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# Nanzan School Corporation Harassment Guidelines

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## **I. Creating a harassment-free environment**

### **1. Purpose of the Guidelines**

The educational motto of the Nanzan School Corporation (hereafter “Nanzan”) is *Hominis Dignitati*, “For Human Dignity.” Nanzan does not tolerate behavior that negatively impacts human dignity, violates human rights, or damages the educational, research or workplace environment. One type of such inexcusable behavior involves harassment. In keeping with the spirit of our founding motto, Nanzan takes a very stern view regarding harassment in all forms, especially insofar as such matters are in violation of the Constitution of Japan and such national laws as the Fundamental Law of Education, the Act for the Promotion of Measures to Prevent Bullying, the Act for Eliminating Discrimination against Persons with Disabilities, the Labor Standards Act, the Law for Equal Employment opportunity of Men and Women, the Labor Measures Comprehensive Promotion Act, and the Child Care and Family Care Leave Law. Nanzan has put these Guidelines in place to defend the dignity and human rights of the individual and protect the rights of people to study, research and work in a peaceful and comfortable environment free from harassment etc.

### **2. What the Guidelines cover**

#### **(1) What is harassment?**

Harassment is any unwelcome remarks or behavior in the educational, research or employment setting that causes people to feel uncomfortable, humiliated, or distressed. Other terms for harassment include bullying and intimidation. Further, there are occasions when behavior will constitute harassment even though the individual had not specifically intended to cause hurt to others. The following provides greater detail regarding to who these Guidelines apply and to the specific types of harassment.

#### **(2) Who do the Guidelines apply to?**

These Guidelines apply mainly to the individuals who make up Nanzan - its teaching and administrative staff as well as its students. The term teaching and administrative staff refers to anyone who has an employment contract with Nanzan, be they on full-time or part-time, regular or non-regular contracts. These Guidelines also include temporary and sub-contracted workers carrying out their principal duties within Nanzan. Researchers and research institute staff engaged in specially commissioned research are included among teaching and administrative staff. “Students” refers to those who have entered into an enrolment contract with Nanzan. Included is everyone who is enrolled at the component schools of Nanzan: all kindergarten school children; elementary, junior and senior high school students; undergraduate and postgraduate students; Center for Japanese Studies students; research students; non-degree students; inbound foreign exchange non-degree students who attend classes and receive education in Nanzan.

Any of these individuals who are involved in Nanzan as described above may consult the Nanzan School Corporation Harassment Counseling Office (hereafter referred to as “the Harassment Counseling Office”) or request action by the Nanzan School Corporation Harassment

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Prevention and Resolution Committee (hereafter referred to as the HPRC) to resolve harassment issues. The timing or place in which harassment occurred does not affect the person's right to seek counseling and consultation. That is, counseling and consultation may be sought if the harassment had a negative impact on the educational, research or working environment of people involved in Nanzan regardless of whether or not that harassment occurred during classes or within the physical confines of Nanzan campuses. Incidents of harassment covered by this policy may have occurred in practical training sessions held on or off campus; at a camp held for a seminar group or extracurricular club activity; on teaching practice; on an internship; during activities related to seeking post-graduation employment; at activities related to an academic conference; while studying abroad; while on a business trip; at a part-time job; during leisure activities; or during private interaction with someone. Although the incidents involved may have taken place off campus, as members of Nanzan individuals may also request formal action be taken by Nanzan. However, in such cases there may be limitations on what can be done, dependent on whether the person who is the subject of the action has an employment contract or enrolment relationship with Nanzan.

These Guidelines for "creating a harassment-free environment" apply to all members of Nanzan, no matter what their position, and each individual is obliged to observe and follow them. Failure to follow any HPRC directives or requests for cooperation in themselves could be considered a violation of service obligations. Furthermore, in instances of alleged harassment occurring at locations operated by a component organizational element of Nanzan or someone belonging to that organization, the subjects of such complaints should not wait for the HPRC to request cooperation, but should move proactively to resolve the problem, collaborating where necessary with other organizations or people within Nanzan.

Further, these Guidelines also apply to individuals who were previously associated with Nanzan, including teaching or administrative staff who have retired or otherwise discontinued their employment, and former students who have ceased to be enrolled in Nanzan due to graduation, course completion, or otherwise leaving the school to which they were affiliated.

In addition, individuals who are neither currently affiliated with Nanzan, nor were previously constituent members (hereafter referred to as "members etc.") of Nanzan fall victim to harassment from members etc., there will be occasions when such individuals are entitled to utilize the harassment procedures.

### **(3) Types of harassment**

Various types of harassment can emerge in educational, research and employment settings. They can be classified into such categories as moral harassment (workplace bullying), sexual harassment, academic harassment and power harassment. In Japan, awareness of sexual harassment led first to a wider understanding of the word "harassment" itself and, as society's acknowledgement of this issue deepened, other forms of harassment have also been recognized. For example, developments in information and communications technology have led to the birth

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of the terms social harassment and digital harassment. Additionally, recognition of maternity harassment led also to recognition of paternity harassment. These in turn eventually merged into the term “childcare harassment,” a term which avoids making gender or parental distinctions. These and other emerging terms such as “nursing care harassment” demonstrate that the developing tendency is to categorize according to the situation in which it arises rather than who is the target of the harassing behavior.

It should also be understood that the word harassment does not only refer to behavior that is expressly forbidden by law. It also includes acts and remarks that are unacceptable either ethically or morally. Examples of this would be discrimination against persons with disabilities and discrimination in hiring. The word can also be applied to situations which have often been considered socially acceptable but in fact are frequently perceived by those subject to the comments as forms of peer pressure to conform their behavior or lifestyle to surrounding social expectations. Examples of this include comments related to marriage status or, vaccination status in the context of the current Covid-19 pandemic. Alcohol harassment is also included in this group and, depending on the specifics of the situation in which the behaviors occurs and the individuals involved, could also involve conduct that also violates several laws.

In addition, it is conceivable that such remarks or actions will not only have a negative impact on the person to whom they are directed, but may also affect the individuals who are obliged to witness them. Further it may impact upon the study, research, and work environment of those who are aware that the individual being addressed may find them offensive. Public rebukes and other forms of reproof can not only be demeaning to the recipient of such reprimands but can also disrupt the environment in which they occur. In other words, the impact of harassment is felt not only directly, but also indirectly.

In addition, there are also instances in which harassment will occur only once while in others it is ongoing. There is also a phenomenon called “second-order harassment” in which a negative response is experienced by the victim to a request for help after the first instance of harassment. Second-order harassment is a serious situation which rocks the very foundation of an environment normally free of harassment, so it receives specific coverage in these Guidelines in “II. 2. (1) Prevention of disadvantageous treatment.”

As outlined above, harassment is diverse in terms of its content, form and means of expression, and it can occur at any time, and in any place or situation. With this being the case, these Guidelines will only focus on the types that commonly occur in educational institutions, explaining the meaning of key words and aspects, and giving specific examples of harassment.

### **(A) Moral harassment (Workplace Bullying)**

The term “moral harassment” covers a broad range of disagreeable acts and remarks that are either ethically or morally unacceptable. Harassment is not only manifested in easily understandable forms such as physical violence or psychological attacks on people using words chosen to denigrate someone’s character or dignity. It can occur in more insidious and subtle

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ways, causing hurt to people without anything being said, through a cold attitude or behavior. It is something that can even occur among peers or co-workers. When it is inflicted on someone by a group, the person who is the target of the harassment feels cornered and eventually unable to go to school or the workplace, so it can have a significantly negative impact on the environment. Incidents of moral harassment are further magnified by the presence of bystanders, which puts additional pressure on the targeted individual(s). And, as the targeted individual becomes more isolated, in the eyes of both that individual and those of the bystanders the harassing behavior can take on the illusory appearance of being justified. In this way, if moral harassment sets in and is normalized, its impact will spread beyond the victim to negatively affect others. As a result, the type of uninhibited atmosphere essential for education and research will be lost, which in turn can lower the motivation of the individuals in the organization or even lead to them leaving the organization.

### **(B) Sexual harassment**

Traditional conceptions of sexual harassment damaging the workplace environment have presumed male predators and female victims. Such scenarios have included making suggestions that particular outcomes in the professional arena (either positive or negative) are contingent upon such things as the granting of sexual favors or entering into a personal relationship, or they may involve a male telling dirty jokes or asking women probing questions about their sexual experience. However, it is now understood that sexual harassment can also involve women being the predators and men the victims, or it may occur between people of the same gender. It can also manifest itself as gender harassment, which goes beyond the narrow definition of sexually loaded remarks or behavior and seeks to force a consciousness on people that reflects the set gender roles that have become prevalent in society.

Moreover, recently progress has been made regarding the understanding society has towards diversity in terms of sexual orientation and gender identity (SOGI) and the importance of self-determination of sexual orientation and identity. It is therefore important for us all to acknowledge that everyone, including ourselves, has their own individual sexual orientation and gender identity.

### **(C) Academic harassment**

Academic harassment refers to harassment that occurs in any setting where education or research is carried out. But, in particular, it involves an academic supervisor taking advantage of his or her position or authority, giving inappropriate guidance or behaving in a manner or making comments that erode the student's desire to study or carry out research. As a result, it negatively impacts upon the educational or research environment as stated in the Nanzan School Corporation Acts of Endowment (Article 3): "The Nanzan School Corporation delivers education based upon the Christian view of the world and aims to foster people who will respect and promote human

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dignity.” Academic harassment violates the dignity of the people who make up Nanzan and hinders the development of our personnel and so it cannot be tolerated.

#### **(D) Power harassment**

Power harassment involves comments that allude to the perpetrator’s authority or superior position. In the workplace, it is typically manifested as inappropriate instruction, remarks or behavior from a superior to a subordinate employee and it can result in situations in which the working environment is negatively affected for the person who is the target of the harassment. It goes without saying that rebuking someone to an excessive degree in front of others or abusing them using rough language not only causes harm to the victim, but it can also serve as a form of power harassment for those who witness it.

Whether we are in superior or subordinate positions within the workplace or educational hierarchy, our status within that system is also affected by our relations with others around us. For this reason, it is not unusual for moral harassment, sexual harassment or academic harassment to develop into power harassment. However, it must also be noted that because people of a higher status will sometimes provide strict instruction that falls within the bounds of what is acceptable for education or training, so this needs to be differentiated from power harassment.

#### **(E) Childcare harassment & Caregiver harassment**

Childcare harassment refers to disadvantageous treatment such as psychologically or physically abusive behavior, dismissal, non-extension of contract, forced “voluntary” retirement, demotion, reduction in salary in response to a worker utilizing or seeking to avail themselves of employment systems permitting limitations to, or temporary absence from, work because they are pregnant, have recently given birth, or are engaging in childcare. Caregiver harassment refers to a worker being treated in the same abusive manner or receiving similarly disadvantageous treatment because they utilize or are requesting the use of employment systems related to providing nursing care for other family members (including de facto family.) The Act on Childcare Leave/Caregiver Leave requires business owners to take measures to ensure that workers do not receive disadvantageous treatment with regard to childcare or nursing care, but childcare harassment or caregiver harassment must not be allowed to occur among co-workers and we need to show appropriate consideration when pupils and students are involved in childcare or nursing care.

### **3. Preventing harassment**

#### **(1) Basics of Harassment Prevention**

Harassment occurs against a background of various power relationships in (1) educational and research environments, or in the workplace. It occurs in the relationships between teachers/administrative staff and students, among teaching or administrative staff of differing levels of status, and between senior and junior students. The range of advantages and disadvantages at play make it difficult for people of a lower or weaker position to reject or stop

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distasteful remarks or behavior from those in higher or stronger positions than themselves. Also, as stated previously, while there are circumstances in which it is set that someone is in a stronger or weaker, superior or inferior position, there are also times in which the dynamics of the relationship vary depending on the situation. For this reason, harassment can occur between all sorts of people, in any place and at any time.

Also, harassment can occur against a background of (2) discrimination or preconceptions. Great diversity exists among races, nationalities, ideologies, religions, sexes, ages, social statuses, jobs, physical characteristics, sexual orientations etc., with none being superior or inferior to any other. To ensure that harassment does not occur, we must recognize differences and acknowledge that a diverse range of values exist and that we should respect each other's individuality.

It should be noted that things which were seen in the past as quite being normal and accepted, remarks and behavior the person speaking or acting in that way thought were completely within the bounds of what is acceptable, may these days cause others to feel uncomfortable or hurt and are no longer tolerated in society.

## **(2) Points to note**

The following represent some things that we should note in our everyday lives in order to avoid what we say or do being interpreted as harassment:

- 1) Try to build equal relationships, being aware that what we say or do can be interpreted very differently depending on the person.
- 2) Don't say or do something again once you realize that the other person rejects or is clearly uncomfortable with your remarks or behavior.
- 3) Understand that when harassment occurs the other person will not necessarily clearly express their discomfort or react.
- 4) Do not forget that the other person's compliant attitude or behavior, or seemingly positive feelings towards you, may be based on your social status and the various power equations at play. On occasion, what you see may not actually reflect that person's feelings as an individual.
- 5) We can display a lack of consideration for others when we are tired or have little mental leeway, so remember the importance of self-care so as to avoid this.
- 6) Rather than diminishing others in order to confirm one's own worth, remember that genuinely boosting our own self-esteem is good for ourselves and for others.

## **(3) Creating awareness to prevent harassment**

Nanzan takes a firm approach when dealing with cases of harassment that might occur within our scope of application, but nevertheless, it is difficult to erase the feelings caused by violations of human rights or the mental scars that remain. Doing what can be done to achieve a recovery or relief from distress requires considerable time as well as effort by numerous people. With this the

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case, the most important thing for us to do within Nanzan is to prevent harassment from occurring in the first place.

The following are initiatives that Nanzan will undertake in order to promote awareness and to prevent harassment:

- 1) Creating pamphlets or posters to distribute or post within Nanzan, thereby fostering an awareness of the need to prevent harassment.
- 2) Utilizing student enrolment and new employee orientation and guidance sessions to make people aware of these Guidelines and promote understanding among the members of Nanzan of the need for their cooperation in creating an environment without harassment and of the various procedures that can be utilized to resolve any problems that may arise.
- 3) Carrying out ongoing training for Nanzan staff, particularly for teaching and administrative staff.

#### **4. Dealing with harassment**

##### **(1) Basics of dealing with harassment**

The circumstances in which harassment has occurred will not necessarily improve if the targeted individual falls victim to it ignores it or just opts to move on. If the perpetrator of the harassment is doing it intentionally, it is possible that offering no particular response will simply see the level of harassment increase. In addition, if the perpetrator is not actually aware that aspects of his or her remarks or behavior qualify as harassment, it is possible that he or she will simply continue to do it.

No one goes through harassment without being hurt. Harassment wears down the victim's energy and drive and does not only erode the person's ability to resist acts of harassment but can also affect their ability to request assistance. There is no need to struggle with harassment alone; seek assistance from those around you at the earliest possible juncture. Move to resolve the problem and return things to an appropriate study or work environment. To this end, within Nanzan we have set up several procedures to help resolve harassment-related problems.

##### **(2) Points to note**

###### **(A) If you think you have been harassed**

If you think that you might be a victim of harassment, consider the following and take action to seek assistance:

- (a) In many situations in which harassment occurs, it is often difficult to speak up to indicate that certain remarks or behavior towards you are not welcome. While you might not have been able to convey that you felt uncomfortable when it happened, there is no need to blame yourself, or to think that you should remain silent and just endure it.
- (b) If you think that you might have fallen victim to harassment, record what happened, including the time and location, in as detailed a manner as possible.



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(c) More often than not, harassment issues cannot easily be resolved by oneself. As well as consulting people whom you know you can trust, please take advantage of Nanzan's "Procedures for resolving harassment-related issues".

### **(B) If you become aware of harassment**

If you witness someone being harassed or hear someone talk about being the victim of harassment, please keep the following things in mind:

- (a) The fact they haven't asked for help doesn't mean that the person who is the object of harassment has not been hurt.
- (b) It takes a great deal of courage for a person who is suffering due to harassment to speak to someone else about it. Please understand that doing so means that they trust the person in whom they are confiding. Make a genuine effort to understand their feelings so as to justify that trust.
- (c) Listen carefully to what the person who has received the harassment has to say. Do not be quick to defend the perpetrator or to suggest that the victim may be to blame in some way.
- (d) Those who have experienced the harassment may be hurt and lacking energy, so be aware that it may take some time for them to make decisions about what to do next. Be conscious of this and focus on offering support in that process.
- (e) Let them know about these Guidelines, and that are able to make use of Nanzan's "Procedures for resolving harassment-related issues."

### **(3) Organizational structure in Nanzan for dealing with harassment**

In order to prevent harassment and to resolve any problems that may arise, the Nanzan School Corporation HPRC has been established as an independent body within Nanzan. In addition, sitting under the HPRC, the Nanzan School Corporation Harassment Counseling Office has been organized and is staffed by counselors specialized in harassment issues (hereafter referred to as "harassment counselors") to offer counseling and consultation services. In this Office, through counseling and consultation, information is provided which is designed to help deal with the problem and offer support to allow those who are seeking advice to make their own decision on how to proceed.

In the case that a member etc. of Nanzan wishes to take action, in accordance with its content, the HPRC will move to resolve the issue, setting up a "Liaison Panel" to oversee the procedures moving forward or an "Investigative Panel" to carry out an investigation of the complaint. The HPRC is made up of members of Nanzan teaching and administrative staff. The HPRC is made up of deliberative members and support members. The deliberative members attend their own regularly-held Committee meetings and have voting rights in these meetings. In the case that a Liaison Panel or Investigative Panel is set up, it will comprise of, and be run by, deliberative members. Support members will on occasion be appointed to the Liaison Panel or Investigative Panel or, as will be explained later, support members will engage in counseling duties

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in the Harassment Counseling Office. In this way, deliberative members and support members play a part in creating a harassment-free environment.

In other words, within Nanzan, if an instance of harassment occurs, resolution involves “counseling and consultation” with a harassment counselor and then a two-stage process of “assessing” the issue and “investigating” the complaint. This is carried out/conducted by members of the HPRC. These two stages are divided so as to occur before and after the formal complaint is lodged.

## **II. Striving to resolve harassment-related issues**

### **1. Procedures for resolving harassment-related issues**

#### **(1) Outline of the various procedures**

##### **(A) Counseling and consultation**

In order to resolve harassment issues, Nanzan has set up a system in which it is possible to first consult a harassment counselor in the Harassment Counseling Office. Maintaining confidentiality, and in keeping with the position of the person seeking counsel, the harassment counselor listens and helps to clarify what has happened and how the person feels about this. With regard to what steps should be taken from there, respecting the intention of the person seeking advice, the harassment counselor assists the person to think the matter through and helps him or her to come to a decision on how to move forward. In order to ensure that this support is as thorough as possible, as needed, the counselor will introduce the person to relevant organizations either within or outside of Nanzan, or will work in conjunction with such organizations. In such cases, the counselor and the organizations that have been approached are required to treat all matters as confidential, thereby protecting the privacy of the person seeking advice.

There are occasions in which the person who is seeking advice will be able to take steps to achieve some sort of resolution after having received support from the harassment counselor. There is a range of methods that might be involved. It could be that the person seeking advice decides to express their desire to stop the behavior directly and clearly to the other party, or that they ask a trusted friend or colleague to convey to the other party that they are troubled by what has happened. It could also be that the person asks someone else within Nanzan to assist in resolving the matter. While possible approaches are not limited to these more active ways to seek resolution, if the consultation with a harassment counselor leads to the restoration of the rights of the person who sought advice about harassment, or to an improvement in the study or work environment, then a certain level of resolution will be deemed to have been achieved and, having served its purpose, the “counseling and consultation” will end.

However, in this “counseling and consultation” it should be noted that the harassment counselor does not make contact with the other party (the person who is said to have carried out the harassment) or with any third parties (people other than the one said to have carried out the harassment). For example, the friends or colleagues of the person seeking advice, people who may have witnessed the harassment, or people who are responsible for any adjustments to the study

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or working environment of the person seeking advice). The counseling and consultation is carried out on the premise that if in order to resolve the harassment issue an approach is required to the other party, or to a third party, the person seeking advice will act on that himself or herself.

### **(B) Making a complaint**

Depending upon the nature of the harassment or the physical or mental circumstances of the person who seeks counseling, there will be occasions in which it is difficult for that person to take action involving them making contact with the other party. In such a case, please consider making a formal complaint to the HPRC to seek resolution of the problem by discussion or investigation of the complaint. Both the Liaison and the Investigative Panels operate on the premise that the HPRC will come into contact with the other party or third parties, so the approach and the actors involved are fundamentally different from the first stage of “counseling and consultation”.

A complaint is lodged in writing by the complainant who may seek assistance from the Harassment Counseling Office in creating it. It is possible for the person seeking advice, who goes on to become the complainant, to consult a harassment counselor on the types of procedures that can be requested of the HPRC, their features, and the general order of procedures that are involved. It is also possible to lodge a complaint without having first gone through the counseling and consultation process.

### **(C) Liaison etc.**

Within Nanzan, as liaison etc. procedures undertaken by the HPRC, there are (1) “notification & caution,” (2) “dialogue,” and (3) “measures taken to make positive changes to the environment.”

With regard to the “notification” within (1), the HPRC informs the party about whom a harassment issue has been raised that the complainant states that the other party’s remarks or behavior has been interpreted as harassment. In addition, with regard to the “caution” within (1), the HPRC urges the party alleged to have committed harassment to show self-restraint in their remarks and behavior. “Notification” and “caution” are aimed at resolving the harassment problem by having the other party become aware of the situation when they did not necessarily realize that their remarks or behavior was causing annoyance. Alternately, it can be when the complainant is unable to say it directly to the other party, but wants them to know that annoyance has been caused, and that he or she hopes that this being conveyed may lead to an improvement in the situation.

The aim of (2) “dialogue” is to resolve the problem through discussion between the victim and the party against whom the issue has been raised. A discussion with the other party is one form of self-resolution whereby before lodging a formal complaint, the person seeking advice proposes holding a discussion with the other party, involving such arrangements as place and time to have the discussion. In the case of the “dialogue” after the issue has been raised, the HPRC will arrange a quiet venue within Nanzan and a member of the HPRC will sit in on the discussion. In this manner, a discussion involving the HPRC is held in order to resolve the harassment problem.

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In the case of (3) “measures taken to make positive changes to the environment,” in order to improve the study or working environment for the person raising the matter, the other party and relevant people (the person in charge of the place where the harassment occurred, or the people in charge of the section or department to which those involved belong, or it could even be departments or organizations) are requested to cooperate. The idea is to consider who is best to request cooperation from in order to effectively improve the study or working environment.

Moreover, the options pertaining to “liaison etc.” are not limited to those given as (1) to (3) above. If, as the applicant, you think that the procedural options (1) to (3) will not solve the harassment issue, please write in the statement what approach you think is appropriate. If the HPRC acknowledges that as being appropriate, the “liaison etc.” will be undertaken using the procedure desired by the person initiating the procedure. This is referred to as “a procedure desired by the applicant and approved by the HPRC.”

#### **(D) Complaint investigation**

Within Nanzan, there is a complaint investigation process established by the HPRC in order to resolve harassment issues. This is an option that can be selected in a situation in which, for example, a victim has been, or currently is, the target of persistent harassment from someone, and as a result is experiencing pain and harm to the extent that a resolution of the situation through discussion is not possible. It is a procedure in which the complainant is able to request some form of disciplinary action against the party against whom the complaint has been filed.

The HPRC itself does not have disciplinary authority, but it is able to propose such action either to the individuals or organizational sub-groups within Nanzan that do have the authority to discipline the perpetrator. The complaint investigation is carried out in order to determine whether or not such a proposal needs to be submitted and what the nature of the proposal should be. In other words, it goes beyond simply seeking to establish the facts.

In the case that the outcome of the HPRC’s complaint investigation process leads to disciplinary procedures, it is expected that there will be significant psychological impact and disadvantage in terms of the study or work situation for the person against whom the complaint has been filed. For this reason, while some complainees may become defensive, the HPRC will proceed with the complaint investigation in a fair and just manner, so complainees are requested to cooperate in the process. The decision as to whether or not the complainee’s remarks or behavior qualify as harassment will be made through a process that carefully takes appropriately subjective and objective perspectives, with the complainee guaranteed sufficient opportunity to present a counterargument.

#### **(E) Handling emergency situations**

The procedures used to resolve cases of harassment within Nanzan are based on the person seeking advice or the complainant making their own decisions on how to move ahead with the set

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of options available. Time is required for this to happen. However, depending on the nature of the harassment or the situation, in which the victim finds himself or herself, there will be occasions when there will be a serious violation of rights or irretrievable disadvantage or harm caused if something is not done straightaway.

In such situations, within Nanzan, as emergency measures, after discussion with related Member in charge of the Board of Directors or Chairman, Board of Directors, the Director of the Harassment Counseling Office or the Chairperson of the HPRC may notify relevant authorities within or outside Nanzan or to request the authority to implement interim measures. These emergency measures must be designed to protect the rights and interests of the victim and the HPRC must make a swift decision about their appropriateness.

## **(2) Criteria for judging harassment**

When dealing with harassment, there are occasions when judgements must first be made on whether or not the remarks or behavior in question qualify as harassment. In doing so, rather than whether or not the perpetrator intended to harass, as is stated in “I. 2. (1) What is harassment?” the emphasis should be placed on whether or not the victim felt or feels that he or she was harassed. However, the veracity of the harassment is not established solely based on the subjective view of the complainant. It is essential to also take an objective view when making a judgment on harassment.

Judgments are made case-by-case, but it is useful to consider that the Act on Comprehensive Promotion of Labor Policies describes power harassment as 1) “language or behavior, delivered from a position of power, which 2) exceeds the necessary and reasonable scope of work duties, and is 3) detrimental to the working environment of the worker.”

If this logic is transferred to the education and research areas, it becomes: 1) language and behavior of people taking advantage of their superior positions which that 2) exceed what is necessary and appropriate for the conduct of education and research, 3) thereby harming the educational and research environment of pupils, students and researchers. Furthermore, with regard to power harassment in the workplace, the Ministry of Health, Labour and Welfare states that when making a judgment on 3) that this should be “how the average worker would feel”; that is, whether or not the language or behavior in question would have a serious adverse effect on the ability of typical worker in society to perform his/her job under similar circumstances. In other words, whether or not it qualifies as harassment is to be judged from an objective standpoint.

However, within Nanzan, as is also stated at the start of these Guidelines, it cannot be denied that the word “harassment” is used in a subjective sense. That is because it is not appropriate to respond to someone who feels that their educational, research or work situation has been negatively impacted upon by remarks or behavior that they see as harassment, by saying that their perceptions or feelings are not acceptable because they differ from “how the average person would feel”. Also, because the person seeking counsel is struggling with what he or she perceives to be harassment, it is necessary that help be offered and adjustments made to the

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educational, research or work environment in question. So, anyone who is struggling in this sense should first of all please consult the staff in the Harassment Counseling Office.

In short, within Nanzan, measures to resolve harassment are formulated on the basis of there being two meanings to the word. One is in the objective sense, of judging it against a standard of what the average, general person would feel when faced with this and the other is the subjective sense of how the person him or herself actually feels. In many situations, an objective perception of harassment will also likely be manifested as a subjective perception. This is because in the case that someone's remarks and behavior towards a victim are clearly viewed as harassment to anyone who witnesses it, they would feel that the target of the remarks or behavior will also be in pain and interpreting what has happened as harassment. On the other hand, there are also occasions when the objective assessment of harassment and the subjective assessment do not match. As stated above, there are occasions when despite the complainant's strong feeling that they are the victim of harassment, it is judged as falling within the acceptable bounds of guidance, instruction or rebuke required in the average or general educational, research or work setting. In addition, and in contrast, there are cases in which the recipient of harsh remarks or demeaning behavior that witnesses consider harassing does not recognize it as such; and also cases in which the recipient does feel he or she is being harassed by is unable to seek help. Such cases are potentially quite serious. In order to be able to deal with various types of harassment, Nanzan has set up a staged process whereby there is a counseling and consultation procedure, followed by a liaison process or an investigation of the complaint by the HPRC.

### **(3) How to use the various procedures and the normal flow of the process**

The procedures are available for use not only by complainants, but also by individuals troubled by their being identified by a third party as a perpetrator of harassment, or by individuals concerned that they may be identified in this way (known as "harassment-harassment"). In addition, a person who may not be the direct recipient of harassment, but has his or her study or work environment negatively affected by harassment occurring to someone else, may, as an indirect victim of harassment, make use of the procedures.

If the recipient of harassment would have difficulty navigating the various procedures due to his or her age, mental or physical situation, a parent or caregiver may be permitted to represent them. In such cases, please first consider seeking guidance from a harassment counselor.

Furthermore, each complainant regarding the remarks and behavior in question made by a single individual should please avail themselves separately of the various procedures available. There will be cases in which the same or similar remarks or behavior of one perpetrator impact upon several complainants, but it is usual for there to be differences in how each perceives, handles and responds to such behavior. Accessing the various procedures separately assures each complainant that they will have their issues heard without feeling mutually constrained by other complainants.

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**(A) Counseling and consultation Services**

(a) Counseling and consultation services operate on a reservation basis. We request that the person who wishes to make use of this service send an e-mail request to the Harassment Counseling Office clearly stating their name, contact details and affiliation (relationship with Nanzan). It is also possible to approach the Harassment Counseling Office within Nanzan and request that they arrange assistance.

(b) The Harassment Counseling Office will inform you of the date/time and venue for the counseling meeting.

(c) As a general rule, one harassment counselor will handle the initial approach, but it is possible that another harassment counselor or a member of the support staff, will also take part in the meeting. There may also be occasions in which a member of the support staff will initially handle the matter.

(d) The time for a counseling session is normally set at around one hour.

**(B) Setting up of a Liaison Panel or an Investigative Panel (to handle a complaint)**

(a) If you wish to submit a complaint, please enter the details required on the complaint form, and submit it to the HPRC Office. The relevant form is available from the Harassment Counseling Office.

(b) Those who utilize the counseling services are also able to receive support from harassment counselors with regard to acquisition, filling in and submission of a complaint form.

(c) Once a complaint is submitted, the HPRC will check if it meets requirements set out on the form and then formally take receipt of it. If there is something that requires attention the HPRC will ask the complainant to make corrections.

(d) As a general rule, the formal process begins once the complaint is formally received by the HPRC. If the HPRC decides that the process will not be commenced, they will move swiftly to inform the complainant and explain the reason in writing.

(e) If the procedure requested by the complainant is that of "liaison etc.," after acceptance of the form, the HPRC will move swiftly to set up a Liaison Panel made up of several deliberative and support members of the HPRC. If the complainant requests a complaint investigation, the HPRC will set up such a panel after first consulting with the Director of University Compliance Office to seek approval. Depending on the reply from the Director of University Compliance Office, the process may come to an end without the establishment of an Investigative Panel.

(f) The composition of the Liaison Panel or Investigative Panel (number and selection of members) will be decided by the HPRC, taking into consideration the nature of the complaint and the individuals involved. These details will then be conveyed without delay to the applicant. If the complainant considers that the selection of the panel members may put them at a disadvantage, they have the right to lodge a challenge to a specific selection.

(g) The Liaison Panel works to establish what are the facts that make up the basis for the application, consider the appropriateness of the method of resolution requested by the applicant

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and provide a draft report of its liaison work to the HPRC. The Investigative Panel investigates whether or not the facts pertaining to the harassment warrant disciplinary action and puts together a report which they then submit to the HPRC.

(h) In order to establish the veracity of what is put forward in the complaint, the Liaison Panel and Investigative Panel will listen not only to the complainant, but also to the complainee. In addition, as required, comment from third parties may be taken into consideration. In the case of comment being sought from the person against whom the complaint has been made, or from third parties, approval will be acquired first from the complainant. If the complainant has any specific wishes regarding this process these should be included in the complaint form. If such wishes are included, consideration will be given to them to the extent possible.

### **(C) “Notification & caution”**

(a) After confirming the facts of the application, the Liaison Panel will report to the HPRC, leaving the deliberation on the appropriateness of notification and caution, and the content of such, to the HPRC.

(b) If the HPRC acknowledges that notification and caution is appropriate, it conveys to the complainee that a complaint has been made and calls upon him or her to reflect on his or her remarks and behavior.

### **(D) Dialogue**

(a) Concurrent to the verification of the facts of the matter that will become the foundation of the complaint, the Liaison Panel tells the complainee that the complainant would like to talk with them and attempts to persuade them to agree.

(b) If the complainee agrees to meet and talk, the Liaison Panel reports that to the HPRC, leaving the deliberation on the appropriateness of dialogue and the venue, to the HPRC.

(c) If the HPRC agrees that dialogue is appropriate, it will have a member of the Committee sit in on the dialogue and offer support to those involved to ensure that the meeting goes well.

(d) We cannot force anyone to engage in dialogue. Such coerced discussion would not lead to a genuine solution to the problem. With this the case, if the HPRC decides that there is no likelihood of the complainee agreeing to engage in dialogue then this process will not be pursued further.

### **(E) Measures taken to make positive changes to the environment**

(a) Concurrent to the verification of the facts of the matter that will become the foundation of the complaint, the Liaison Panel will consider what adjustments can be made to the environment to actualize the complainant’s desired outcome and offer a proposal to him or her.

(b) With regard to the decision on measures to propose, in order to ascertain their viability and effectiveness of any options, while respecting the thinking of the complainant the Liaison Panel will contact relevant organizations or people in positions of responsibility in order to gauge if they will cooperate.



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(c) Once the preparation for measures to make positive changes to the environment is complete, the Liaison Panel will report this to the HPRC, leaving the deliberation on the appropriateness of implementing these measures to the HPRC.

(d) If the HPRC acknowledges that it is appropriate to implement these measures they will be implemented under the authority of this Committee.

#### **(F) Complaint investigation**

(a) The Investigative Panel will investigate the facts of the matter, taking due consideration to protect the honor and the privacy of the individuals involved. In particular, in cases in which the investigation could possibly lead to disciplinary procedures, which in itself could place a significant mental burden on the complainee, the Panel guarantees that the complainee will be given appropriate opportunity to advocate for themselves and state his or her case.

(b) When the investigation is complete, the Investigative Panel will report the results to the HPRC without delay.

(c) Based on the report from the Liaison Panel, the HPRC will swiftly deliberate on the matter and, if the remarks or behavior of the complainee are judged to be harassment, the HPRC will draft a proposal for action to be taken. This will be submitted to someone who has the appropriate level of authority to initiate disciplinary procedures, such as the Chairman, Board of Directors or the President of Nanzan University, and so on.

(d) Beyond this stage, please check with the organization to which the complainee is affiliated for details of disciplinary procedures. The respective Disciplinary Panels will lead the process taking due consideration of privacy, so the HPRC is not informed of details beyond a certain point.

#### **(G) Use of the Harassment Counseling Office after a complaint is submitted**

The individual seeking advice is able to receive support from the harassment counselors in the Harassment Counseling Office before a request for consideration is submitted. However, even after becoming a complainant, he or she can continue using the counseling services during and after the process in order to help mitigate the psychological burden incurred during the process.

Use of the Harassment Counseling Office is also possible for a current complainee and for those who may have been the subject of harassment procedures in the past. However, because the harassment counselor who was in charge of providing counseling to the complainant will not also take charge of counseling the complainee, another harassment counselor or member of the support staff will be in charge.

#### **(J) End of the process**

The HPRC will bring procedures to a close when it has been determined that as a result of the procedures taken, the rights of the complainant have been protected or the environment in question has been improved.

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In addition, the procedures may also be brought to an end at some midpoint if, despite the liaison and investigative processes having been implemented and in contrast to the subjective position of the complainant, the facts of matter do not objectively justify categorizing the remarks and behavior as harassment. In this manner, while the outcome of the complaint may not be what the complainant was seeking, this does not mean that the complainant has been rejected for having a subjective view. The complainant may, as required, resume counseling at the Harassment Counseling Office. However, it will not be possible to request support from a harassment counselor for the purpose of submitting another request for consideration.

Furthermore, once the various formal procedures have been completed, individuals who were complainees are likewise able to avail themselves of the services provided by the Harassment Counseling Office.

**(K) Period during which the various procedures can be utilized**

As a general rule, complaints regarding potential harassment should be lodged within three years of the incident occurring. Taking advantage of the various procedures at an early stage will prevent harassment from escalating. As time passes there are many situations in which taking measures to verify facts for a complaint investigation and to effect positive changes to the environment become increasingly difficult. In addition, if the employment or enrolment contract between Nanzan and the complainee comes to an end, effectively arranging any form of liaison discussion or investigative survey will become very difficult. At the same time, while there is no set limit on the period for or number of times that members of Nanzan can seek or request counseling and consultation, it should be noted that the Harassment Counseling Office services are offered to support the person seeking advice making their own decision to resolve the matter.

As a general rule, complaints by former members of Nanzan about harassment that occurred when they were affiliated to Nanzan should be made within one year of the date on which their affiliation ended. In such cases, the three-year deadline for submitting a complaint does not apply. The reason for this is that the main goal of the liaison procedure is to facilitate an improvement in the work or study environment within Nanzan. Similarly, if former members of Nanzan wish to use the counseling and consultation services, we ask that this be done within one year of the date on which their affiliation ended.

If someone who is not a member of Nanzan wishes to use counseling and consultation regarding an issue of harassment by a member, etc. of Nanzan, as a general rule, the request to use such services should be lodged within one year of the harassment occurring. Furthermore, counseling and consultation about instances of harassment by someone who is no longer a member of Nanzan will be limited to situations pertaining to when the person in question was affiliated with Nanzan. Similarly, as a general rule, complaints about harassment by a Nanzan member from someone who is not affiliated with Nanzan are not possible, be they against a current member or a former member. The reason for this is that instances of harassment that non-Nanzan members might experience from a Nanzan member are likely to have occurred at a

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time, location or situation that was private, and as such they are not subject to the scrutiny that comes with an employment or enrolment contract with Nanzan. In addition, it is likely that Nanzan becoming involved in such a case would qualify as a form of harassment (invasion of privacy) of Nanzan member accused externally of harassment.

## **2. Obligations of members of Nanzan in the procedures to resolve problems**

### **(1) Prevention of disadvantageous treatment**

Nanzan forbids disadvantageous treatment that might follow one of its members seeking counseling and consultation or making a complaint, and will do all it can to prevent collateral damage. The same applies for other individuals who were involved in the resolution of a problem.

### **(2) Duty of cooperation and confidentiality obligation**

Please cooperate if you are asked by the HPRC to be involved in the resolution of a problem and please do not make any false statements.

In the process of initiating or being involved in a harassment-related procedure, members of Nanzan may come in possession of a range of confidential information. We request that you do not divulge such information. If confidential information is leaked, the complainant may fall victim to second-order harassment or the complainees may experience new and separate harassment. In addition, leaks of confidential information will negatively impact the smooth progress of the procedures involved and possibly lead to a loss of trust in the process of resolving the problem. For members of the HPRC or the harassment counselors, the work-related duty of confidentiality is particularly stringent, but by the same token, the people who are asked to cooperate in the procedures, or the person who lodged the complaint are, as members of Nanzan, required to maintain confidentiality. This continues to apply after a person ceases to work or study within Nanzan.

## **III. Amendments to the Guidelines**

These Guidelines will be reviewed on an annual basis to ascertain if they are being appropriately understood and implemented. When necessary, ongoing amendments will be made.

### *Supplementary provisions*

1. These Guidelines come into effect from 1 April 2022
2. The “Nanzan University Guidelines Regarding Harassment” (effective from 1 April 2011) are hereby discontinued.