

○Hiroshima University Regulations Regarding Prevention of Harassment, etc.

(April 1, 2004 Regulation No. 111)

Hiroshima University Regulations Regarding Prevention of Harassment, etc.

Purpose:

Article 1. In recognition of the fact that harassment, etc. at Hiroshima University (hereafter, This University) violates the human rights of employees, university students, pupils, children, nursery school children, and other relevant persons (hereafter, Individuals), or infringes on the rights, etc. of school attendance, employment, education, or research (hereafter, School Attendance/Employment), these Regulations prescribe matters necessary to the prevention of harassment, etc. for the purpose of preventing its occurrence at This University and appropriately handling it after the fact, based on the stipulations in Article 28 of Hiroshima University Regulations (April 1, 2004 Regulation No. 1).

Definitions, etc.:

Article 2. In these Regulations, the term “harassment” refers to sexual harassment, power harassment, discriminatory harassment in connection with pregnancy, childbirth, and maternity leave, etc.

- (2) In these Regulations, “sexual harassment” refers to when an Individual at This University who possesses a certain relationship of School Attendance/Employment carries out inappropriate, non-consensual behavior of a sexual nature, causing another person to suffer a given disadvantage/loss related to schoolwork and performance of duties, including psychological aspects, or generating a given impediment related to schoolwork and performance of duties, or exacerbating the environment constructed for School Attendance/Employment.
- (3) In these Regulations, “power harassment” refers to speech and behavior beyond a necessary and reasonable scope by a member of the university having a higher authority in an academic and/or professional relationship, whereby the other party suffers disadvantage/loss in his/her study or work performance, including psychological aspects, or experiences impediment in his/her study or work performance, or there is a possibility of such situations.
- (4) In these Regulations, “discriminatory harassment in connection with pregnancy, childbirth, and maternity leave, etc.” refers to speech and behavior by a member of the university, in an academic and/or professional relationship, regarding pregnancy or childbirth, or regarding the use of a system or program for pregnancy, childbirth, maternity, or nursing care, whereby the other party suffers disadvantage/loss in his/her study or work performance, including psychological aspects, or experiences impediment in his/her study or work performance, or there is a possibility of such situations.

(5) In these Regulations, “other harassment” refers to harassment other than sexual harassment, power harassment, or discriminatory harassment in connection with pregnancy, childbirth, and maternity leave, etc. when an Individual at This University who possesses a certain relationship of School Attendance/Employment carries out inappropriate behavior, causing another person to suffer a given disadvantage/loss related to schoolwork and performance of duties, including psychological aspects, or generating a given impediment related to schoolwork and performance of duties, or the possibility of such.

(6) In cases where the behavior of a person regarded as the doer of harassment falls under one of the following, the act of harassment shall be recognized.

[1] When it is recognized that the person regarded as the doer of harassment intended to carry out the action set forth in from Paragraph 2 through to the preceding paragraph

[2] When it is recognized that said behavior clearly lacks social appropriateness

(7) In these Regulations, "sexual violence, etc." refers to the following:

[1] Conducting an act equivalent to the sexual violence against children/students, etc. prescribed in the items of Article 2, paragraph 3 of the Act on Prevention, etc. of Sexual Violence against Children/Students by Educational Personnel, etc. (Act No. 57 of 2021) and in the Basic Guidelines for Prevention, etc. of Sexual Violence against Children/Students by Educational Personnel, etc. (Decision of the Minister of Education, Culture, Sports, Science and Technology, March 18, 2022).

[2] Conducting an act that falls under a criminal act stipulated in the Penal Code (Act No. 45 of 1907) or other laws and ordinances, among the sexual harassment stipulated in Paragraph 2.

(8) In these Regulations, "harassment, etc." refers to harassment and sexual violence, etc. Prevention and Public Awareness:

Article 3. This University shall strive for public awareness among employees, university students, etc. to prevent the occurrence of harassment, etc.

Consultation Service:

Article 4. The Hiroshima University Harassment Consultation Office (hereafter, Consultation Office) shall handle consultations regarding harassment, etc. at This University.

(2) When providing the consultation set forth in the preceding paragraph, the Consultation Office shall protect the privacy of the person alleging harassment, etc. (hereafter, Alleged Victim) and pay due regard to preventing the violation of human rights.

Investigation System:

Article 5. To investigate the facts related to the harassment, etc. and take necessary measures, the president shall establish a Hiroshima University Harassment Investigation Committee (hereafter, Investigation Committee) for each case in question.

- (2) Matters necessary to the Investigation Committee set forth in the preceding paragraph shall be separately prescribed.
- (3) The Investigation Committee shall conduct a fair inquiry involving the Alleged Victim, the person regarded as the doer of harassment, etc. (hereafter, Alleged Doer), and other relevant individuals, and shall immediately report findings to the president.
- (4) During the inquiry set forth in the preceding paragraph, due regard shall be given to the protection of privacy and the human rights of those targeted by the inquiry.
- (5) When recognized as necessary during the investigative process, the Investigation Committee shall carry out emergency evacuation measures for the Alleged Victim, reconciliation between the Alleged Victim and Alleged Doer, or provide counsel, etc. on investigation, reconciliation, etc. at the department, etc. to which the Alleged Victim or Alleged Doer belongs or is attached.
- (6) An Investigation Committee may be established in a department, etc. based on the counsel set forth in the preceding paragraph.

Notification of Findings and Appeal:

Article 6. The president shall receive a report of findings from the Investigation Committee and immediately notify the Alleged Victim and the Alleged Doer in writing of the findings.

- (2) If a person who has received notification under the preceding paragraph has any objection to such content of notice, the person may file an appeal in writing to the president within two (2) weeks commencing on the day following the date on which the person received notification; provided, however, that a person who is subject to the review on disciplinary actions in relation to such case in question under the Hiroshima University Regulations for Disciplinary Punishment of Employees (April 1, 2004 Regulation No. 97) shall not file an appeal.
- (3) If an appeal is filed under the main part of the preceding paragraph, the president shall give written notice to the person who filed an appeal about the results of examination of the allegation.
- (4) No appeal against the content of the notice under the preceding paragraph may be allowed.

Determination and Execution of Measures:

Article 7. The president shall receive a report of findings from the Investigation Committee and determine and execute improvements to the environment, reparation for

disadvantages suffered by the Alleged Victim, and guidance and other necessary measures for the Alleged Doer.

- (2) When making the determinations set forth in the preceding paragraph, the president shall hold a debate with the Education and Research Council regarding matters deemed to require further deliberation.

Prohibition of Disadvantageous Treatment:

Article 8. This University shall not treat disadvantageously any employee or student who has consulted with the University concerning harassment, etc., cooperated in responding to said consultation, or taken other justifiable actions concerning harassment, etc., on the basis of said consultation or cooperation.

Miscellaneous Provisions:

Article 9. In addition to the regulations prescribed here, matters necessary to the prevention of harassment, etc. and the handling after the fact shall be separately prescribed.

Supplementary Provisions

1. This regulation shall come into effect from April 1, 2004.
2. The actions related to consultation, etc. over harassment carried out by a harassment counselor or expert harassment counselor established in accordance with the former Hiroshima University Regulations Regarding Harassment Prevention (Hiroshima University Regulations of 1999 Regulation No. 12; hereafter, Former Regulations) shall be regarded as actions carried out by a harassment counselor or expert harassment counselor established in accordance with this regulation.
3. The Harassment Investigation Committee established in accordance with the Former Regulations shall be regarded as having been established based on this regulation.

Supplementary Provisions (January 18, 2005 Regulation No. 2)

This regulation shall come into effect from February 1, 2005.

Supplementary Provisions (March 31, 2016 Regulation No. 63)

This regulation shall come into effect from April 1, 2016.

Supplementary Provisions (March 27, 2019 Regulation No. 46)

This regulation shall come into effect from April 1, 2019.

Supplementary Provisions (March 22, 2021 Regulation No. 57)

This regulation shall come into effect from April 1, 2021.

Supplementary Provisions (March 28, 2023 Regulation No. 39)

This regulation shall come into effect from March 28, 2023.

Supplementary Provisions (January 30, 2024 Regulation No. 2)
This regulation shall come into effect from January 30, 2024.

Supplementary Provisions (March 26, 2024 Regulation No. 70)
This regulation shall come into effect from April 1, 2024.