

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

(Established on January 24, 2006)

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	March 28, 2008	March 18, 2009	
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	March 25, 2024		

(Intent)

Article 1 These Regulations provide for matters concerning the prevention of harassment at the National University Corporation Kobe University (hereinafter referred to as “University”) and appropriate measures in the event of harassment (hereinafter referred to as “Prevention of Harassment, etc.”) in order to ensure that each staff member and infant, child, student, research student, etc. (hereinafter referred to as “Student, etc.”) at the University is respected as an individual and that proper employment and school attendance environments are maintained.

(Definitions)

Article 2 In these Regulations, the meanings of the terms set forth in the following items shall be as prescribed respectively in those items:

(1) Harassment: This means those set forth in (a) to (f) below.

- (a) Sexual harassment: This means instances where a staff member or Student, etc. engages in verbal, visual, or physical behavior of a sexual nature toward another staff member or Student, etc. against the other party’s will, utilizing their relationship within the context of work, study, education, or research, including inappropriate behavior that results in granting advantages or disadvantages regarding the other party’s duties or studies, thereby hindering or deteriorating the environment for work, study, education, or research (hereinafter referred to as “Educational and Research Environment, etc.”).
- (b) Academic harassment: This means instances where a staff member or Student, etc. engages in inappropriate behavior toward another staff member or Student, etc., utilizing or abusing his or her superior position or authority, which results in hindering or deteriorating the motivation for learning or working and the Educational and Research Environment, etc. of the person receiving his or her instructions or guidance.
- (c) Power harassment: This means instances where a staff member or Student, etc. engages in inappropriate behavior toward another staff member or Student, etc., exploiting his or her position or authority, or their de facto hierarchical relationship, which results in hindering or deteriorating the motivation for learning or working and the Educational and Research Environment, etc. of the person receiving his or her instructions or guidance.
- (d) Harassment relating to pregnancy, childbirth, childcare leave, etc.: This means instances where a staff member or Student, etc. engages in inappropriate behavior toward another staff member or Student, etc.

based on a reason such as pregnancy, childbirth, childcare, undergoing fertility treatment, or using childcare leave or nursing care leave systems, which results in hindering or deteriorating the motivation for learning or working and the Educational and Research Environment, etc.

(e) Other harassment: This means instances where a staff member or Student, etc. engages in inappropriate behavior toward another staff member or Student, etc., such as forcing someone to drink alcohol, defaming or slandering someone, spreading rumors about someone, or insulting someone's sexual orientation or gender identity, which infringes upon the person's personality or human rights and results in hindering or deteriorating the motivation for learning or working and the Educational and Research Environment, etc., including discrimination based on disabilities that infringes upon the rights and interests of a person with disabilities.

(f) Sexual violence: This means the following.

(A) Including (a) above, this means instances where a staff member or Student, etc. engages in sexual acts (sexual intercourse, obscene behavior, etc.) toward another staff member or Student, etc. against the other party's will.

(B) This means acts that constitute sexual violence, etc. against children and students provided for in Article 2, paragraph 3 of the Act on the Prevention of Sexual Violence, etc. against Children and Students by Educational Staff, etc. (Act No. 57 of 2021).

(2) Person reporting harm: This means a staff member or Student, etc. who claims to have suffered harm caused by harassment, including a staff member or Student, etc. who reports harm resulting from being accused of harassment.

(3) Person accused of harassment: This means a staff member or Student, etc. alleged by a person reporting harm to have committed harassment.

(4) Departments: This means institutes, the Faculty of Global Human Sciences, the School of Medicine, graduate schools, the Institute for Advanced Research, the Research Institute for Economics and Business Administration, the Library, the University Hospital attached to the School of Medicine, the Attached Schools' Department, the Core Organizations for Multidisciplinary Promotion of Research and Education, the Core Organizations for Cross-campus Management and Support, the Strategic Planning Office, the Enterprise Partnerships Division, the Office for Promoting Regional Partnership, the Information Infrastructure and Digital Transformation Initiatives Headquarters, the Carbon Neutral Promotion Headquarters, the Office for Promoting Well-being, the office established pursuant to Article 18, paragraph 1 of the Rules of the National University Corporation Kobe University (established on April 1, 2004), secretariats (including the Auditing Office and the Internal Control Office), the Administration Department of the Letters, Agriculture and Sciences Campus, and the Administration Department of Social Sciences.

(Responsibilities of the President)

Article 2-2 The president must take necessary measures for the Prevention of Harassment, etc. in order to ensure that each staff member and Student, etc. is respected as an individual and that proper employment and school attendance environments are maintained.

(Responsibilities of Executive Vice President in Charge)

Article 2-3 The executive vice president in charge of harassment (hereinafter referred to as "Executive Vice President in Charge") shall generalize the Prevention of Harassment, etc. under the direction of the president.

- 2 The Executive Vice President in Charge must encourage each staff member and Student, etc. to raise his or her awareness and improve his or her knowledge for the Prevention of Harassment, etc.
- 3 The Executive Vice President in Charge must provide training to staff members for the Prevention of Harassment, etc.
- 4 The Executive Vice President in Charge must promptly and appropriately respond to any harassment.

(Responsibilities of Heads of Departments)

Article 2-4 The head of a department shall generalize the Prevention of Harassment, etc. in the department.

- 2 The head of a department must encourage each staff member and Student, etc. to raise his or her awareness and improve his or her knowledge for the Prevention of Harassment, etc.
- 3 The head of a department shall formulate a plan to provide training deemed appropriate to staff members for the Prevention of Harassment, etc. himself or herself, and endeavor to implement the plan.
- 4 The head of a department must promptly and appropriately respond to any harassment.

(Responsibilities of Management Supervisors)

Article 2-5 A person in a position to manage or supervise a staff member or to give guidance to a Student, etc. (hereinafter referred to as "Management Supervisor") must endeavor to prevent harassment by paying attention to the following matters with regard to said staff member or Student, etc., and must promptly and appropriately respond to any harassment:

- (1) To call attention to and deepen awareness of harassment;
- (2) To be careful not to cause harassment by paying adequate attention to behavior.

(Responsibilities of Each Staff Member and Student, etc.)

Article 2-6 Each staff member and Student, etc. must not commit harassment.

- 2 Each staff member and Student, etc. must follow these Regulations as well as the instructions or guidance of the head of the relevant department or the relevant Management Supervisor based on these Regulations, cooperate in the Prevention of Harassment, etc., and cooperate in any investigation, etc. by the harassment investigation committee provided for in paragraph 4 of the following Article and the whole University harassment investigation committee provided for in paragraph 6 of the same Article.

(Harassment Prevention and Countermeasures Headquarters)

Article 3 The University shall have harassment prevention and countermeasures headquarters (hereinafter referred to as "Prevention and Countermeasures Headquarters") to respond to consultation on harassment.

- 2 The Prevention and Countermeasures Headquarters shall be composed of the following persons:
 - (1) Executive Vice President in Charge;
 - (2) Executive vice president appointed by the president (excluding the executive vice president referred to in the preceding item);
 - (3) Director general;
 - (4) Head of the Health Management Division of the Inclusive Campus & Healthcare Center;
 - (5) Any other person deemed necessary by the president.
- 3 The Prevention and Countermeasures Headquarters shall have a chief who shall be the Executive Vice President in Charge.

- 4 When receiving a report on consultation on harassment from a consultant, etc., after confirming the intention of the person reporting harm, the Prevention and Countermeasures Headquarters shall determine how to respond according to the details of the consultation, and instruct the head of the department to which the person accused of harassment belongs (hereinafter referred to as “Specified Department” or “Specified Departments”) to establish a harassment investigation committee (hereinafter referred to as “Investigation Committee”) or take other actions.
- 5 The head of a Specified Department who has been instructed by the Prevention and Countermeasures Headquarters to take actions other than the establishment of an Investigation Committee pursuant to the preceding paragraph shall make an appropriate response and promptly report the results to the Prevention and Countermeasures Headquarters.
- 6 Notwithstanding the preceding two paragraphs, if deemed necessary as a result of deliberation on consultation on harassment, the Prevention and Countermeasures Headquarters may request the president to establish a whole University harassment investigation committee (hereinafter referred to as “Whole University Investigation Committee”).
- 7 The Prevention and Countermeasures Headquarters shall report to consultants actions to be taken for consulted matters, as necessary.

(Prevention Committee)

Article 4 The University shall have a harassment prevention committee (hereinafter referred to as the “Prevention Committee”) for the purpose of deliberating countermeasures for the Prevention of Harassment, etc., and implementing and promoting the countermeasures.

2 The Prevention Committee shall be composed of the following committee members. In this case, the president shall ensure that the committee includes members of both genders:

- (1) Executive Vice President in Charge;
- (2) One professor selected from each of the following: Graduate School of Humanities, Graduate School of Intercultural Studies, Graduate School of Human Development and Environment, Graduate School of Law, Graduate School of Economics, Graduate School of Business Administration, Graduate School of Science, Graduate School of Medicine, Graduate School of Health Sciences, Graduate School of Engineering, Graduate School of System Informatics, Graduate School of Agricultural Science, Graduate School of Maritime Sciences, Graduate School of International Cooperation Studies, and Research Institute for Economics and Business Administration;
- (3) Director general;
- (4) Head of the Health Management Division of the Inclusive Campus & Healthcare Center;
- (5) Some administration-related staff members appointed by the director general;
- (6) Any other person deemed necessary by the president.

3 The Prevention Committee shall carry out the following matters:

- (1) Matters concerning planning and implementation of training and awareness-raising activities on the prevention of harassment;
- (2) Matters concerning the status of response to consultation on harassment;
- (3) Other matters concerning the prevention of harassment.

4 The committee members referred to in paragraph 2, items (2), (5), and (6) shall be appointed by the president.

5 The committee members referred to in paragraph 2, items (2), (5), and (6) shall serve a two-year term and may be reappointed; provided, however, that the term of office of a committee member who is appointed to fill a vacancy shall be the remaining term of his or her predecessor.

- 6 The Prevention Committee shall have a committee chair who shall be the Executive Vice President in Charge.
- 7 The committee chair shall convene and chair meetings of the Prevention Committee.
- 8 If the committee chair is unable to attend to his or her duties, a committee member appointed by the committee chair in advance shall perform the committee chair's duties on his or her behalf.
- 9 When the Prevention Committee responds to consultation on harassment, it shall respect the privacy, honor, and other human rights of persons concerned and keep the consultation contents confidential.
- 10 In addition to what is provided for in this Article, necessary matters concerning the operation of the Prevention Committee shall be determined by the Prevention Committee.

(Consultation Desk)

Article 5 A harassment consultation desk shall be established with consultants consisting of the following persons:

- (1) Heads of departments and councillors selected from departments;
 - (2) Persons specified in Article 2 of the Kobe University Student Support Council Regulations (established on April 1, 2004);
 - (3) Staff members appointed by the heads of departments;
 - (4) Health care practitioners and counselors for "mental health counseling" at the Inclusive Campus & Healthcare Center.
- 2 The number of consultants referred to in item (3) of the preceding paragraph shall be determined by the Prevention Committee for each department, and the heads of departments shall give consideration to the appointment of female consultants when appointing consultants.
 - 3 The responsibilities of consultants shall be as follows:
 - (1) To provide consultation on harassment and support independent resolution;
 - (2) To respect the privacy, honor, and other human rights of persons concerned and to keep the consultation contents confidential;
 - (3) To report to the chief of the Prevention and Countermeasures Headquarters when providing consultation on harassment, after confirming the intention of the person reporting harm.
 - 4 Consultants shall be commissioned by the president.
 - 5 The main place of assignment or affiliation, name, and contact information of each consultant shall be clearly indicated annually.
 - 6 Notwithstanding paragraph 1, consultation on harassment may be held with a staff member other than consultants. In this case, the person who provides consultation shall keep the consultation contents confidential, confirm the intention of the person reporting harm, and report to the chief of the Prevention and Countermeasures Headquarters.

(Investigation Committee)

- Article 6 The Investigation Committee based on Article 3, paragraph 4 shall be composed of three or more committee members, including one or more staff members belonging to a department other than the Specified Department.
- 2 Any committee member(s) belonging to the Specified Department referred to in the preceding paragraph shall be appointed by the head of the Specified Department.
 - 3 With respect to committee member(s) belonging to a department other than the Specified Department referred to in paragraph 1, the head of the Specified Department shall request the head of said department to select person(s), and the selected person(s) shall be commissioned as committee member(s).

- 4 If there are two or more Specified Departments, the heads of the Specified Departments shall appoint or commission committee members through consultation.
- 5 If it is not appropriate to appoint or commission committee members pursuant to the preceding three paragraphs, the chief shall appoint the committee members.
- 6 Notwithstanding paragraph 1, the chief may commission external persons as committee members if it deems it particularly necessary.
- 7 The head of the Specified Department shall remain neutral with regard to the investigation by the Investigation Committee.
- 8 The Investigation Committee shall investigate the facts concerning the relevant harassment and report the results of the investigation to the Prevention and Countermeasures Headquarters through the head of the Specified Department.
- 9 Upon receipt of the report referred to in the preceding paragraph, the Prevention and Countermeasures Headquarters shall report the investigation results to the president.
- 10 If there are any doubts concerning the contents of the investigation results, the president may instruct the Investigation Committee to conduct a re-investigation, etc. through the Prevention and Countermeasures Headquarters, or may establish a Whole University Investigation Committee.
- 11 The Investigation Committee may seek the opinion of an external expert to be separately appointed by the president on the conduct of investigation from time to time.
- 12 The Investigation Committee shall conduct a fair hearing from the person reporting harm, the person accused of harassment, and other persons concerned; provided, however, that in conducting the investigation, it must respect the privacy, honor, and other human rights of the persons to be heard and keep the matters to be heard confidential.
- 13 In conducting the investigation referred to in the preceding paragraph, the Investigation Committee must notify the person accused of harassment of said investigation and provide him or her with an opportunity to provide an oral or written explanation.
- 14 At the time of explanation, the person accused of harassment may submit necessary evidence and request a hearing from persons concerned, and may appoint an assistant and receive his or her assistance.
- 15 If the person accused of harassment who has been given an opportunity to provide an explanation is absent without reasonable grounds or fails to submit a letter of explanation, the Investigation Committee shall deem him or her to have waived this right.
- 16 Other necessary matters concerning the Investigation Committee shall be prescribed separately.

(Whole University Investigation Committee)

- Article 7 The Whole University Investigation Committee established by the president in accordance with Article 3, paragraph 6 shall be composed of three or more committee members.
- 2 The committee chair shall be appointed by the president.
 - 3 Notwithstanding paragraph 1, the president may commission external persons as committee members if it deems it particularly necessary.
 - 4 The Whole University Investigation Committee shall investigate the facts concerning the relevant harassment and report the results of the investigation to the Prevention and Countermeasures Headquarters.
 - 5 Upon receipt of the report referred to in the preceding paragraph, the Prevention and Countermeasures Headquarters shall report the investigation results to the president.

- 6 If there are any doubts concerning the contents of the investigation results, the president may instruct the Whole University Investigation Committee to conduct a re-investigation, etc. through the Prevention and Countermeasures Headquarters.
- 7 The Whole University Investigation Committee may seek the opinion of an external expert to be separately appointed by the president on the conduct of investigation from time to time.
- 8 The Whole University Investigation Committee shall conduct a fair hearing from the person reporting harm, the person accused of harassment, and other persons concerned; provided, however, that in conducting the investigation, it must respect the privacy, honor, and other human rights of the persons to be heard and keep the matters to be heard confidential.
- 9 In conducting the investigation referred to in the preceding paragraph, the Whole University Investigation Committee must notify the person accused of harassment of said investigation and provide him or her with an opportunity to provide an oral or written explanation.
- 10 At the time of explanation, the person accused of harassment may submit necessary evidence and request a hearing from persons concerned, and may appoint an assistant and receive his or her assistance.
- 11 If the person accused of harassment who has been given an opportunity to provide an explanation is absent without reasonable grounds or fails to submit a letter of explanation, the Whole University Investigation Committee shall deem him or her to have waived this right.
- 12 Other necessary matters concerning the Whole University Investigation Committee shall be prescribed separately.

(Response to Investigation Results)

- Article 8 If the results of the investigation by the Investigation Committee and the Whole University Investigation Committee (hereinafter referred to as “Investigation Committee, etc.”) reveal the fact of harassment, the president shall take necessary measures against the person who has committed the harassment in accordance with the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members (established on April 1, 2004) and others.
- 2 The president shall notify the person reporting harm and the person accused of harassment of the results of the investigation by the Investigation Committee, etc.
 - 3 The president shall notify the head of the department to which the person reporting harm belongs and the head of the Specified Department of the results of the investigation by the Investigation Committee, etc.
 - 4 The heads of departments who have received the notice referred to in the preceding paragraph shall take necessary measures.

(Activities to Raise Awareness and Prevent Recurrence)

- Article 8-2 The Executive Vice President in Charge and the Prevention and Countermeasures Headquarters must regularly conduct awareness-raising activities to disseminate the outline of these Regulations.
- 2 The Executive Vice President in Charge and the Prevention and Countermeasures Headquarters shall analyze the cause of occurrence of harassment and take measures to prevent recurrence based on the situation of occurrence of harassment.

(Handling of Investigation Results, etc.)

- Article 9 The materials and results of the investigation by the Investigation Committee, etc. shall not be disclosed unless the circumstances are exceptional.

(Prohibition of Disadvantageous Treatment)

Article 10 Consultants, etc. and persons involved in dealing with problems arising from harassment must not treat the person who has received a consultation about the harassment and any staff member or Student, etc. who has cooperated in or otherwise responded to the investigation related to the consultation in a manner that disadvantages them in terms of employment and school attendance; provided, however, that this shall not apply to the case where any false statement has been made.

(Application Mutatis Mutandis of Regulations to Persons Concerned)

Article 10-2 These Regulations shall apply mutatis mutandis to consultation on harassment by a former staff member, Student, etc., or any other person concerned (limited to a person separately specified by the president).

2 In the case referred to in the preceding paragraph, the former staff member or Student, etc. may receive consultation only within one year after he or she ceases employment or enrollment; provided, however, that this shall not apply in the case of exceptional circumstances.

(Administration)

Article 11 The administration concerning the prevention of and response to harassment, etc. shall be carried out by the Personnel Division of the General Affairs Department or the Student Support Division of the Student Affairs Department.

2 The administration concerning the Investigation Committee based on Article 3, paragraph 4 shall be carried out by the Administrative Office of the Specified Department.

3 If there are two or more Specified Departments referred to in the preceding paragraph, the heads of the Specified Departments shall determine which Administrative Office carries out the administration through consultation.

(Miscellaneous Provision)

Article 12 In addition to what is provided for in these Regulations, necessary matters concerning the enforcement of these Regulations shall be prescribed separately.

Supplementary Provisions

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

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

3 The Sexual Harassment Prevention Committee members who have been appointed pursuant to Article 3 of the Former Regulations as of the effective date of these Regulations shall be deemed as Prevention Committee members appointed pursuant to Article 3 of these Regulations, and their term of office shall be until October 31, 2006, for the members of the Faculty of Letters, the Faculty of Human Development, the Faculty of Science, the Faculty of Engineering, the Faculty of Maritime Sciences, the Graduate School of Economics, the Graduate School of Natural Sciences, and the Graduate School of International Cooperation Studies, or until October 31, 2007, for the members of the Faculty of Intercultural Studies, the Faculty of Agriculture, the Research Institute for Economics and Business Administration, the Graduate School of Law, the Graduate School of Business Administration, and the Graduate School of Medicine, notwithstanding paragraph 5 of the same Article.

4 The consultants who have been commissioned pursuant to Article 4 of the Former Regulations as of the effective date of these Regulations shall be deemed as consultants commissioned pursuant to Article 5 of these Regulations.

Supplementary Provisions between the original and the latest are omitted.

Supplementary Provisions (March 25, 2024)

These Regulations shall come into effect on April 1, 2024.