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March 28, 2013

Rules of the University of Tokyo No. 113

## The University of Tokyo Rules on the Harassment Prevention Committee

### (Establishment)

#### Article 1

The University of Tokyo shall establish the University of Tokyo Harassment Prevention Committee (hereinafter referred to as the “Prevention Committee”).

### (Responsibilities)

#### Article 2

The Prevention Committee shall carry out the following with the aim of preventing and resolving issues caused by sexual harassment, academic harassment, other harassment and other forms of human rights violations (referred to collectively below as “Harassment”).

- (1) Training, awareness-raising and publicity activities aimed at preventing Harassment.
- (2) Provision of a consultation system to handle Harassment.
- (3) Support for measures aimed at preventing and resolving Harassment implemented by the University’s departments (hereinafter “departments” shall refer to the organizations cited under Chapter 3 and Chapter 4 of the University of Tokyo Rules on Basic Organizations, the Secondary School Attached to the Faculty of Education, and the University of Tokyo Hospital).
- (4) Matters related to notification and arbitration in cases of Harassment.
- (5) Formulation of proposals for remedial measures and measures aimed at the prevention of recurrence that are based on fact-finding investigations into cases of Harassment, and recommendations to the President.
- (6) Recommendations to the President in cases when disciplinary measures are deemed appropriate in the case of Harassment.
- (7) Other matters necessary for the prevention and resolution of Harassment.

### (Organization)

#### Article 3

The Prevention Committee shall be composed of a chairperson, two vice chairpersons, and a few members.

### (Chairperson and Vice Chairpersons)

#### Article 4

1. The role of Chairperson shall be filled by an executive vice president or vice president nominated by the President.
2. The role of Vice Chairperson shall be filled by a current or past member of the Education and

Research Council, or person of equivalent standing, nominated by the President.

3. The Chairperson shall convene meetings of the Committee, and oversee the work of the Committee.

4. In the event of an accident preventing the Chairperson from executing his or her responsibilities, a vice chairperson nominated by the Chairperson in advance shall represent the Chairperson in executing said responsibilities.

(Committee Members)

Article 5

Committee members shall be appointed from among the following persons by the Chairperson.

(1) Executive vice presidents or vice presidents nominated by the President.

(2) A few male and female professors or associate professors, as deemed appropriate by the President.

(3) Experts from outside the University in fields such as law, psychology and psychiatry.

(4) Any other persons deemed to be necessary by the President.

(Term)

Article 6

1. The term of the members described under Article 5, Items (2) and (3) shall be two years, and this shall not preclude reappointment.

2. Replacement members appointed in the event that a vacancy arises shall serve for the remainder of the term of the member being replaced.

3. Notwithstanding the provisions of Paragraph 1, the term of any members appointed to an arbitration team as described under the provisions of Article 11 or fact-finding investigation team as described under the provisions of Article 12, shall be extended until the completion of all duties related to the case in question.

(Committee Board)

Article 7

1. The Prevention Committee shall establish a Board of Governors (hereinafter referred to as the "Board") to examine whether or not to handle complaints made in relation to cases of Harassment (hereinafter referred to as the "complaints") and the handling of such cases.

2. The Board shall be composed of the Chairperson and two vice chairpersons.

3. When a complaint is made, the Board shall confirm whether or not such complaint satisfies the preconditions described under Article 8 and make a decision on whether or not such complaint can be handled.

4. When the Board has decided that a complaint can be handled, the Board shall decide whether or not to pursue notification, arbitration or remedial measures based on a fact-finding investigation, and whether the case is to be handled at the level of the Department or at a University-wide level.

5. In making its decisions as described under the preceding paragraph, the Board must respect the wishes of the complainant, unless there are special circumstances.

(Complaints Made in Relation to Cases of Harassment)

Article 8

1. Victims of cases of Harassment may apply to the Prevention Committee for notification and/or arbitration and/or remedial measures based on a fact-finding investigation in the following cases.

(1) When the victim and the offending party are both members of the University of Tokyo.

(2) When the offending party is a member of the University of Tokyo and the victim is a former member of the University of Tokyo or a “person who is involved with the University of Tokyo” (hereinafter this shall refer to any non-member of the University who comes into contact with members of the University in the course of education, research or work activities carried out at the University of Tokyo) and the Harassment in question arose in the course of education, research or work activities carried out at the University of Tokyo.

(3) When the victim is a member of the University of Tokyo and the offending party is a former member of the University of Tokyo or a person who is involved with the University of Tokyo, and the Harassment in question arose in the course of education, research or work activities carried out at the University of Tokyo.

2. As a general rule, it shall not be possible for a person described under the provisions of the preceding paragraph to make a complaint in the event that a period of ten years has passed since the Harassment in question occurred, or when a period of five years has passed since the complainant left his or her academic or work position at the University. However, this shall not necessarily apply in cases when other factors need to be taken into consideration, such as ongoing research for the purposes of obtaining a degree.

3. As a general rule, Complaints made under the provisions of Paragraph 1 must be carried out through the Harassment Counseling Center. However, complaints that are not made through the Harassment Counseling Center are not precluded from being handled by the Prevention Committee.

(Preliminary Surveys)

Article 9

1. When the Board has decided to handle a Complaint and it has been decided to handle such Complaint at a University-wide level, the Prevention Committee shall establish a preliminary survey team for each case for the purposes of carrying out a preliminary survey.

2. The preliminary survey team shall be composed of two members of the Prevention Committee selected by the Chairperson.

3. The following matters shall be examined as part of the preliminary survey.

(1) Whether or not the complaint satisfies any of the preconditions described under the preceding article.

(2) The reasonableness of carrying out notification, arbitration or a fact-finding investigation in the case in question.

(3) In the event that it is not deemed reasonable to carry out notification, arbitration or a fact-finding investigation in the case in question, whether or not any alternative measures are required and if so what the nature of such measures should be.

(4) Any other matters deemed to be necessary by the Chairperson for the purposes of handling

the case in question.

4. During the preliminary survey, the complainant, counselors at the Harassment Counseling Center and any other relevant persons shall be interviewed as necessary to ascertain the circumstances of the case.

5. The preliminary survey team shall endeavor to report to the Prevention Committee on the results of the preliminary survey, as a general rule within two months of the establishment of the preliminary survey team.

(Notification)

Article 10

1. When the Prevention Committee deems it to be appropriate to carry out notification as a result of the preliminary survey, the offending party in the case in question (hereinafter referred to as the “Offending Party”) shall be notified of the fact that a complaint has been made and warned to take the necessary measures in order to prevent and resolve any Harassment.

2. In accordance with the wishes of the complainant and when the Prevention Committee deems it to be appropriate to carry out notification, the Prevention Committee shall notify the head of the department with which the Offending Party is affiliated of the fact that a complaint has been made and the head of the department in question shall be advised to take the necessary measures in order to prevent and resolve any Harassment.

3. When making notification under the preceding two paragraphs, if the complainant wishes to remain anonymous, every possible care must be taken to ensure that the complainant cannot be identified. In the event that notification is made under the provisions of the preceding paragraph, the head of the department of the Offending Party must also take every possible care to ensure that the complainant cannot be identified.

4. An Offending Party receiving notification under Paragraph 1 may submit any objections to the Prevention Committee in writing within one month of receiving the notification in question.

5. A complainant may apply to the Prevention Committee for arbitration or remedial measures based on a fact-finding investigation even after notification has been made under Paragraph 1 or Paragraph 2.

(Arbitration)

Article 11

1. When the Prevention Committee deems it to be appropriate to carry out arbitration as a result of the preliminary survey, an arbitration team shall be established for each case.

2. The arbitration team shall be composed of three members of the Prevention Committee selected by the Chairperson. However, when the Board deems it to be necessary, one member of the faculty, staff, or an employee of the University of Tokyo who is not a member of the Prevention Committee may be appointed as an additional member of the arbitration team.

3. Membership of the arbitration committee shall be limited to one member of the faculty, staff, or an employee of the department with which the complainant is affiliated and one member of the faculty, staff, or an employee of the department with which the Offending Party is affiliated (in the case that the complainant and the Offending Party belong to the same department, the total number of the faculty, staff, or employees of the department in question who may become

a member of the arbitration team shall be limited to one).

4. The arbitration team shall carry out arbitration with the aim of achieving reconciliation between the involved parties after interviewing as necessary the involved parties, counselors from the Harassment Counseling Center and any other related parties.

5. The arbitration team shall endeavor to report to the Prevention Committee on the results of the arbitration (including cases when arbitration was not successful), as a general rule within a period of six months of the establishment of the arbitration team.

6. A complainant may apply to the Prevention Committee for remedial measures based on a fact-finding investigation in the event that arbitration was not successful.

#### (Fact-finding Investigations)

##### Article 12

1. When the Prevention Committee deems it to be appropriate to carry out a fact-finding investigation as the result of a preliminary survey, the Prevention Committee may establish a fact-finding investigation team for each case.

2. Membership of the fact-finding investigation team shall be decided in accordance with the provisions of Article 11, Paragraphs 2 and 3.

3. The fact-finding investigation team shall carry out the following, with the aim of clarifying the facts in the case in question.

(1) Interviewing of the involved parties and related parties with the aim of establishing the facts.

(2) Demanding and receiving the submission of related documents from the involved parties and related parties.

(3) Asking for the opinions of the Student Counseling Center or Harassment Counseling Center.

(4) Any other matters necessary in order to clarify the facts of the case in question.

4. The fact-finding investigation team shall endeavor to report to the Prevention Committee on the results of the investigation and the details concerning the need for remedial measures or measures aimed at preventing recurrence, as a general rule within a period of six months of the establishment of the fact-finding investigation team.

#### (Expanded Board of Governors)

##### Article 13

1. The Prevention Committee shall establish an Expanded Board of Governors to carry out initial investigations into any matters reported by a fact-finding investigation team under the provisions of Article 12, Paragraph 4 or by the head of an department under the provisions of Article 18, in relation to anonymity, consistency against precedents, and other matters related to the appropriateness of the investigation report.

2. The Expanded Board of Governors shall be composed of two members of the Prevention Committee nominated by the Chairperson, in addition to the members of the Board.

#### (Recommendations for Remedial Measures, etc.)

##### Article 14

The Prevention Committee shall examine the content of reports made by the fact-finding investigation team after an examination by the Expanded Board of Governors, and decide upon

recommendations to the President based upon the results.

(Execution of Remedial Measures, etc.)

Article 15

After receiving recommendations for remedial measures and measures aimed at preventing recurrence from the Prevention Committee, the President shall order the Offending Party or the head of his or her department to carry out the necessary measures.

(Recommendations for Disciplinary Proceedings)

Article 16

When the Prevention Committee deems disciplinary proceedings to be appropriate after examining the report from the fact-finding investigation team, it may recommend to the President that disciplinary proceedings should be pursued.

(Reinvestigation)

Article 17

1. A complainant or Offending Party who receives notification of the results of a fact-finding investigation as provided for under Article 12 may place a demand with the Chairperson of the Prevention Committee for a reinvestigation in the case that any of the following apply. A reinvestigation may only be demanded once, and must be requested within two weeks of receiving notification of results.

(1) There is deemed to be a major shortcoming in the fact-finding investigation process.

(2) New evidence is discovered that was not submitted during the fact-finding investigation, and it is clear that such evidence will have an impact on the ascertainment of the facts.

(3) When it is proved that information with a clear impact on the ascertainment of the facts was untrue as a result of falsification or alteration, etc.

2. In the event that a reinvestigation is demanded under the preceding paragraph, the Board shall decide whether or not a reinvestigation is needed.

3. When the Board has decided that a reinvestigation should be carried out, the Prevention Committee shall establish a fact-finding investigation team composed of entirely different members to the fact-finding investigation that has already been carried out, and a reinvestigation shall be implemented. The composition of the new fact-finding investigation team shall be decided in accordance with the provisions of Article 12, Paragraph 2.

4. In the event that the Prevention Committee as a result of the reinvestigation accepts any of the items described under Paragraph 1 and deems there to have been an impact on the conclusions of the investigation as a result, the original investigation report shall be retracted and new recommendations shall be made to the President along with any additional measures deemed to be necessary based on the new investigation report.

(Reporting Obligation of Departments)

Article 18

The heads of departments must report promptly on the results of the department's handling of all cases which the Board has delegated to the departments in question.

(Specialist Committees)

Article 19

1. The Prevention Committee may establish a specialist committee in order to investigate specific matters.
2. The Prevention Committee shall set out elsewhere matters such as the responsibilities, organization and operation of specialist committees.
3. The membership of specialist committees shall be delegated by the President.

(Confidentiality Obligations)

Article 20

The Chairperson, vice chairpersons, and members of the Prevention Committee, arbitration teams and fact-finding investigation teams must not leak confidential information learned through procedures carried out under these Rules, either during the term of their appointment or after the term has expired (in the case of members of arbitration teams or fact-finding investigation teams who are not members of the Prevention Committee, this confidentiality obligation shall continue to apply both during and after their time as a member of such team).

(Prohibition of Inappropriate Behavior)

Article 21

Inappropriate behavior by the Offending Party or any other member of the University is prohibited, including retaliation, harassment or discrimination against the complainant, any party who has cooperated with a fact-finding investigation, or any other party involved in a harassment case.

(Administration)

Article 22

Administration of the Prevention Committee shall be carried out by the Labor and Working Environment Group of the Central Administration.

(Supplementary Rules)

Article 23

Any other matters deemed necessary for the operation of the Prevention Committee in addition to the matters provided for under these Rules shall be stipulated by the Prevention Committee.

Supplementary Provisions

1. These Rules shall come into effect from April 1, 2013.
2. The following Rules are abolished upon the enactment of these Rules.
  - (1) The University of Tokyo Rules on the Harassment Prevention Committee (enacted July 11, 2000).
  - (2) The University of Tokyo Rules on the Academic Harassment Prevention Committee (enacted April 1, 2006).