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The University of Tokyo Rules on the Harassment Prevention Committee

(Rules of the University of Tokyo No. 113 of March 28, 2013)

Revised: Rules of the University of Tokyo No. 93 of March 30, 2017

Revised: Rules of the University of Tokyo No. 160 of March 26, 2020

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(Establishment)

Article 1

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

(Definitions)

Article 1-2

1. In these Rules, the terms listed in the following items shall have the meanings provided in the respective items.
 - (1) “Harassment” means sexual harassment, academic harassment, harassment related to pregnancy, childbirth, childcare leave, caregiver leave, etc., power harassment, other forms of harassment, and violations of personal rights similar thereto.
 - (2) “Executive Members” means persons listed in Article 4, paragraph (1) of the University of Tokyo Rules on Basic Organizations (Rules of the University of Tokyo No.1 of April 1, 2004; hereinafter referred to as the “Rules on Basic Organizations”).
 - (3) “Academic and Administrative Staff Members” means persons listed in Articles 9 and 10 of the Rules on Basic Organizations.
 - (4) “Students” means persons who have been admitted to the University or permitted to audit or take classes pursuant to the rules of the University.
 - (5) “Members of the University” means Executive Members, Academic and Administrative Staff Members, and Students.
 - (6) “Departments” means the organizations listed in Chapters 3 and 4 of the Rules on Basic Organizations, as well as the Secondary School attached to the Faculty of Education and the University of Tokyo Hospital.
 - (7) “Complainant” means a person who has made a complaint regarding a Harassment case (hereinafter referred to as a “Complaint”); provided, however, that in Article 8, paragraphs (1) and (2), it means a person who intends to make a Complaint.
 - (8) “Respondent” means a person who is the other party to a Complaint; provided, however, that in Article 8, paragraphs (1) and (2), it means a person who is intended to be the other party to a Complaint.

- (9) “Parties” means the Complainant and the Respondent.
- (10) “Warning Notification” means notifying the Respondent of the facts that a Complaint has been made and urging him/her to take necessary measures to prevent and resolve Harassment.
- (11) “Mediation” means efforts to reach an agreement between the Parties regarding the necessary measures to prevent and resolve the Harassment.
- (12) “Remedial Measures Based on a Fact-Finding Investigation” means to clarify the facts pertaining to a Complaint and take necessary measures to prevent and resolve Harassment based on the results thereof.

(Duties)

Article 2

- 1. The Prevention Committee shall carry out the following matters to prevent and resolve Harassment and issues arising therefrom (hereinafter referred to as “Harassment”).
 - (1) Matters related to training, awareness-raising, and public relations activities to prevent Harassment
 - (2) Matters related to the consultation system for Harassment
 - (3) Matters related to supporting initiatives by the Departments to prevent and resolve Harassment
 - (4) Matters related to the Warning Notification and Mediation regarding Harassment cases
 - (5) Matters related to the formulation of a proposal for Remedial Measures Based on a Fact-Finding Investigation and a proposal for measures to prevent recurrence and recommendations to the President regarding Harassment cases
 - (6) Matters related to recommendations to the President in cases where disciplinary action is considered appropriate for a Harassment case
 - (7) Other matters necessary for the prevention and resolution of Harassment

(Organization)

Article 3

- 1. The Prevention Committee shall be composed of a Chairperson, two Vice Chairpersons, and a few committee members.

(Chairperson and Vice Chairpersons)

Article 4

- 1. The Chairperson shall be designated by the President from among the Executive Vice Presidents or Vice Presidents.
- 2. The Vice Chairpersons shall be designated by the President from among the members of the Education and Research Council, former members of the Education and Research Council, or persons equivalent to them.
- 3. The Chairperson shall convene the committee and oversee its affairs.
- 4. If the Chairperson is unable to act due to an accident, the Vice Chairperson designated by

the Chairperson in advance shall act on his/her behalf.

(Committee Members)

Article 5

1. Committee members shall be commissioned by the President from among the following persons.
 - (1) Persons designated by the President from among the Executive Vice Presidents or Vice Presidents
 - (2) Professors or Associate Professors designated by the President
 - (3) Experts of clinical psychology or psychiatry designated by the President
 - (4) Legal experts from outside the University designated by the President
 - (5) Other persons found necessary by the President

(Term of Office)

Article 6

1. The term of office of the committee members set forth in items (2) through (4) of the preceding Article shall be two years, and this shall not preclude reappointment.
2. The term of office of a substitute committee member appointed to fill a vacancy shall be the remaining term of the said member's predecessor.
3. Notwithstanding the provisions of paragraph (1), the term of office of members of a Warning Notification Team pursuant to Article 10, a Mediation Team pursuant to Article 11, and a Fact-Finding Investigation Team pursuant to Article 12 shall be extended until the completion of their duties in the said team.

(Executive Board)

Article 7

1. The Prevention Committee shall establish an Executive Board to consider whether or not to accept Complaints and how to handle cases.
2. The Executive Board shall be composed of the Chairperson and two Vice Chairpersons; provided, however, that if the Executive Board finds it necessary, a committee member set forth in Article 5, item (4) may be added.
3. Upon receiving a Complaint, the Executive Board shall confirm whether or not the Complaint satisfies the requirements set forth in Article 8, paragraphs (1) through (3), and decide whether to accept the Complaint.
4. The Executive Board shall decide whether to handle the case pertaining to the accepted Complaint by the procedure of Warning Notification, Mediation, or Remedial Measures Based on a Fact-Finding Investigation, depending on the content and nature, etc. of the case.
5. When making the decision set forth in the preceding paragraph, the Executive Board shall respect the intent of the Complainant, unless there are special circumstances.
6. The Executive Board may, as necessary, hear about the circumstances from the Complainant, counselors of the Harassment Counseling Center, or other relevant persons when making decisions set forth in paragraphs (3) and (4).

(Complaints Regarding Harassment Cases)

Article 8

1. A person who claims to be the victim of Harassment may make a Complaint to the Prevention Committee requesting a Warning Notification, Mediation, or Remedial Measures Based on a Fact-Finding Investigation in the following cases.
 - (1) When both the Complainant and the Respondent are Members of the University.
 - (2) When the Respondent is a Member of the University and the Complainant is a former Member of the University or a person related to the University (meaning a person outside the University who comes into contact with Members of the University in connection with educational or research activities and the performance of duties at the University; the same shall apply hereinafter in this Article), and the Harassment occurred in relation to educational or research activities and duties at the University.
 - (3) When the Complainant is a Member of the University and the Respondent is a former Member of the University or a person related to the University, and the Harassment occurred in relation to educational or research activities or duties at the University.
 - (4) When the Complainant is a specified person engaged in entrusted business as defined in Article 2, paragraph (2) of the Act on Ensuring Proper Transactions Involving Specified Entrusted Business Operators (Act No. 25 of 2023) and the Respondent is a person related to the University, and the Harassment occurred in relation to educational or research activities or duties at the University.
2. In the cases set forth in the items of the preceding paragraph, if it is a serious case and there are exceptional circumstances where it is found impossible or significantly difficult for the person who claims to be the victim of Harassment to make a Complaint himself/herself, the following persons may make a Complaint to the Prevention Committee requesting a Warning Notification, Mediation, or Remedial Measures Based on a Fact-Finding Investigation on behalf of the person who claims to be the victim of Harassment; provided, however, that a Complaint from the person specified in item (1) shall be limited to cases of emergency and serious nature, and shall be made after giving due consideration to the intent of the person who claims to be the victim of Harassment.
 - (1) The Director of the Harassment Counseling Center
 - (2) A close relative who is found to have had a close relationship with the person who claims to be the victim of Harassment
3. The Complaint set forth in the preceding two paragraphs may not be made after ten years have passed since the act alleged to be Harassment was committed or after five years have passed since the person who claims to be the victim of Harassment lost his/her student status or employment status. However, this shall not apply if special considerations are required, such as a case where research related to the conferral of a degree is ongoing.
4. Complaints set forth in the provisions of paragraph (1) and paragraph (2), item (2) shall be made through the Harassment Counseling Center. However, this shall not preclude the Prevention Committee from accepting Complaints made without going through the Harassment Counseling Center.

(Establishment of a Warning Notification Team, Mediation Team, or Fact-Finding Investigation Team)

Article 9

1. When the Executive Board accepts a Complaint and decides to handle it by the Warning Notification or fact-finding investigation procedure, the Prevention Committee shall establish a Warning Notification Team or Fact-Finding Investigation Team depending on the procedure.
2. When the Executive Board accepts a Complaint and decides to handle it by the Mediation procedure, the Chairperson shall confirm with the Respondent as to whether or not he/she agrees to participate in the Mediation. When the Respondent agrees thereto, the Prevention Committee shall establish an Mediation Team and when the Respondent does not agree, the Prevention Committee shall notify the Complainant that Mediation is not successful.
3. When the Executive Board has decided to either accept or not accept the Complaint, the Prevention Committee shall notify the Complainant to that effect.

(Warning Notification)

Article 10

1. A Warning Notification Team shall consist of two committee members selected by the Chairperson from among the members of the Prevention Committee.
2. The Warning Notification Team shall, as necessary, hear circumstances from the Complainant, counselors of the Harassment Counseling Center, and other relevant persons, and examine whether or not it is appropriate to issue a Warning Notification.
3. The Warning Notification Team shall endeavor to report the results of the examination set forth in the preceding paragraph to the Prevention Committee within two months in principle after the establishment of the team.
4. If it is determined appropriate to issue a Warning Notification based on the report set forth in the preceding paragraph, the Prevention Committee shall notify the Respondent, through the head of the Department to which the Respondent belongs, of the fact that the Complaint has been made, and warn him/her to take necessary measures to prevent and resolve the Harassment.
5. If the Complainant so requests and the Prevention Committee determines that it is appropriate to issue a Warning Notification, the Prevention Committee shall notify the head of the Department to which the Respondent belongs of the fact that the Complaint has been made and recommend that he/she take necessary measures to prevent and resolve the Harassment.
6. If the Complainant requests to remain anonymous when issuing the notification set forth in the preceding two paragraphs, the Prevention Committee shall take all possible measures to ensure that the Complainant cannot be identified. The same shall apply to the head of the Department to which the Respondent belongs when receiving the notification set forth in the preceding paragraph.
7. If it is determined that it is not appropriate to issue a Warning Notification based on the report set forth in paragraph (3), the Prevention Committee shall notify the Complainant to

that effect.

8. The Respondent who has received the notification set forth in paragraph (4) may submit counterarguments in writing to the Prevention Committee up to within one month from the date of receipt of the Warning Notification.
9. The Prevention Committee shall notify the Complainant of the outline of the warning set forth in paragraph (4) and the recommendation set forth in paragraph (5) and the fact that documents set forth in the preceding paragraph are submitted.
10. Even after the warning set forth in paragraph (4) and the recommendation set forth in paragraph (5) have been issued, the Complainant may request the Prevention Committee to conduct Mediation or Remedial Measures Based on a Fact-Finding Investigation.

(Mediation)

Article 11

1. A Mediation Team shall consist of two committee members selected by the Chairperson from among the members of the Prevention Committee. However, if the Executive Board finds it necessary, one person from among the members specified in Article 5, item (2) or the Academic and Administrative Staff Members of the University other than members of the Prevention Committee may be added as a member of the Mediation Team.
2. The Mediation Team shall, as necessary, hear about the circumstances from the Parties, counselors of the Harassment Counseling Center, and other relevant persons, and engage in Mediation with the aim of reaching an agreement between the Parties on the necessary measures to prevent and resolve the Harassment.
3. The Mediation Team shall endeavor to report the results of the Mediation (including cases where the Mediation is not successful) to the Prevention Committee within six months in principle after the establishment of the team.
4. If the Mediation is not successful, the Complainant may submit a request for Remedial Measures Based on a Fact-Finding Investigation to the Prevention Committee.

(Fact-Finding Investigation)

Article 12

1. A Fact-Finding Investigation Team shall consist of two committee members selected by the Chairperson from among the members of the Prevention Committee. However, if the Executive Board finds it necessary, one person from among the members specified in Article 5, item (2) or the Academic and Administrative Staff Members of the University other than members of the Prevention Committee may be added as a member of the Fact-Finding Investigation Team.
2. The Prevention Committee shall notify the Respondent through the head of the Department to which the Respondent belongs of the fact that a Complaint regarding Harassment has been made.
3. The Fact-Finding Investigation Team shall conduct the following matters to clarify the facts of the case.
 - (1) Hear about the circumstances from the Parties and relevant persons.
 - (2) Request the Parties and relevant persons to submit related documents and receive them.

- (3) Request opinions from the Harassment Counseling Center or other consultation offices, etc. established in the Central Administration Bureau or Departments.
- (4) Other matters necessary to clarify the facts of the case
4. The Fact-Finding Investigation Team shall endeavor to report the results of its investigation, as well as whether or not remedial measures and preventive measures (hereinafter referred to as “Remedial Measures, etc.”) are necessary and the details thereof to the Prevention Committee within six months in principle after the establishment of the team.
5. If prompt measures to prevent further worsening of the situation are determined necessary during the process of clarifying the facts of the case, the Fact-Finding Investigation Team may request the Executive Board to consider the matters set forth in the following paragraph.
6. If receiving a request set forth in the preceding paragraph, the Executive Board shall consider whether or not it is necessary to issue an improvement recommendation to the head of Department regarding education, research, working environment, or other measures for the prevention or remedy of Harassment, as well as any necessary measures.
7. The Prevention Committee may issue an improvement recommendation to the head of the Department if the Executive Board finds it necessary as a result of the consideration set forth in the preceding paragraph.
8. The head of the Department shall promptly report to the Prevention Committee the results of their response to the improvement recommendation set forth in the preceding paragraph.

(Expanded Executive Board)

Article 13

1. The Prevention Committee shall establish an Expanded Executive Board to consider in advance matters related to the anonymity, consistency with precedents, and other appropriateness of the investigation report regarding the contents of the report from the Fact-Finding Investigation Team pursuant to the provisions of paragraph (4) of the preceding Article.
2. The Expanded Executive Board shall be composed of the members of the Executive Board, as well as two members of the Prevention Committee designated by the Chairperson.

(Recommendations on Remedial Measures, etc.)

Article 14

1. The Prevention Committee shall examine the contents of the report from the Fact-Finding Investigation Team, which has been considered by the Expanded Executive Board, and if Harassment has been confirmed, make decisions on a recommendation to the President based thereon.
2. The Prevention Committee shall notify the Complainant of the results of the fact-finding investigation based on the results of the examination set forth in the preceding paragraph.
3. The Prevention Committee shall issue a recommendation to the President based on the decision made pursuant to the provisions of paragraph (1).

(Enforcement of Remedial Measures, etc.)

Article 15

1. When receiving a recommendation for Remedial Measures, etc. from the Prevention Committee, the President shall take necessary measures against the Respondent and the head of the Department to which the Respondent belongs, based on the recommendation.
2. The head of the Department to which the Respondent belongs shall notify the Respondent of the results of the fact-finding investigation.
3. The head of the Department to which the Respondent belongs shall promptly respond to the measures taken by the President pursuant to paragraph (1) and report the results of such response to the President.

(Recommendation for Disciplinary Action)

Article 16

1. The Prevention Committee shall examine the report from the Fact-Finding Investigation Team and if it finds that disciplinary action is appropriate, the Prevention Committee may recommend to that effect to the President.

(Disclosure to the Complainant)

Article 17

1. If the Complainant who has received notification of the results of the fact-finding investigation pursuant to the provisions of Article 14, paragraph (2) requests disclosure of the details of the recommendation set forth in Article 14, paragraph (3), or the fact of making the recommendation set forth in Article 16, the Prevention Committee may disclose them to the extent found necessary.

(Re-examination)

Article 18

1. If any of the requirements set forth in the following items are satisfied, the Complainant who has received notification of the results of the fact-finding investigation pursuant to the provisions of Article 14, paragraph (2) or the Respondent who has received notification of the results of the fact-finding investigation pursuant to the provisions of Article 15, paragraph (2) may request the Prevention Committee Chairperson to conduct a re-examination, one time only, within two weeks after the date of receipt of the said notification.
 - (1) If there are any serious procedural defects in the fact-finding investigation.
 - (2) If evidence that was not able to be submitted during the fact-finding investigation is discovered and it is clear that such evidence would have affected the determination of facts.
 - (3) If evidence that clearly affected the determination of facts is proven to be false due to counterfeiting or alteration.
2. If a request for re-examination set forth in the preceding paragraph is made, the Executive Board shall decide whether or not re-examination is necessary.
3. If the Executive Board decides to conduct a re-examination, the Prevention Committee shall establish a Fact-Finding Investigation Team consisting of members different from those

who were in the previous fact-finding investigation and conduct a re-examination. In this case, the provisions of Article 12, paragraph (1) shall apply *mutatis mutandis* to the composition of the Fact-Finding Investigation Team.

4. If the Prevention Committee determines that any of the requirements in each item of paragraph (1) is found as a result of the re-examination and that this affects the conclusion, the Prevention Committee shall revoke all or part of the original investigation report and make a recommendation to the President or take other necessary additional measures based on the new investigation report.

(Expert Committee)

Article 19

1. The Prevention Committee may establish an Expert Committee to consider specific matters.
2. Matters regarding the duties, organization, and operation of the Expert Committee set forth in the preceding paragraph shall be separately determined by the Prevention Committee.
3. Members of the Expert Committee shall be commissioned by the Chairperson.

(Confidentiality Obligation)

Article 20

1. The Chairperson, Vice Chairperson, committee members, Warning Notification Team members, Mediation Team members, and Fact-Finding Investigation Team members shall not divulge any secrets learned in the course of the procedures under these Rules during and after the expiration of their terms of office (or in the case of Mediation Team members and Fact-Finding Investigation Team members who are not committee members, during the period they serve as team members and thereafter).

(Prohibition of Unfair Treatment)

Article 21

1. No Members of the University shall engage in any unfair treatment such as retaliation, bullying, discriminatory response, or infringement of reputation or privacy against the Complainant, the Respondent, persons cooperating in a fact-finding investigation, members of the Prevention Committee and counselors of the Harassment Counseling Center who handled the case, or other persons involved in the Harassment case.

(Obligations of the Parties and Relevant Persons)

Article 22

1. When requested by the Fact-Finding Investigation Team to cooperate in an investigation, the Parties shall cooperate in such investigation in good faith.
2. When requested by the Fact-Finding Investigation Team to cooperate in an investigation, relevant persons shall endeavor to cooperate in such investigation in good faith.
3. The Parties and relevant persons shall not divulge any secrets learned in the course of the procedures under these Rules without reasonable grounds.

(Administrative Affairs)

Article 23

1. The administrative affairs of the Prevention Committee shall be handled by the Labor and Working Environment Group of the Central Administration Bureau.

(Supplementary Provisions)

Article 24

1. In addition to what is set forth in these Rules, any matters necessary for the operation of the Prevention Committee shall be determined by the Prevention Committee.

Supplementary Provisions

1. These Rules shall come into force on April 1, 2013.
2. The following Rules are hereby abolished.
 - (1) The University of Tokyo Rules on the Harassment Prevention Committee (established: July 11, 2000)
 - (2) The University of Tokyo Rules on the Academic Harassment Prevention Committee (established: April 1, 2006)

Supplementary Provisions

These Rules shall come into force on April 1, 2017.

Supplementary Provisions

These Rules shall come into force on April 1, 2020.

Supplementary Provisions

(Effective Date)

1. These Rules shall come into force on April 1, 2025.
- #### (Transitional Measures)
2. Cases in which a Preliminary Examination Team has been established on or before the day preceding the effective date of these Rules in accordance with Article 9, paragraph (1) of the Rules before the revision shall continue to be governed by Articles 9 through 12 of the Rules before the revision.