

## **OIST Graduate University Policies, Rules & Procedures**

Authority:

- Approved by the President
- Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment
- Act on Employment Promotion etc. of Persons with Disabilities
- Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers

### **Chapter 39. Resolving Complaints & Disputes**

#### **39.1 Policy for Employees**

The OIST Graduate University (University or OIST, as applicable) has procedures in place that provide employees with the following review processes for resolving complaints about inappropriate treatment or actions.

39.1.1 For disputes or allegations relating to Respectful Workplace Policy [\[link: 1.3.2\]](#) violations, every employee is entitled to use the external hotline to reach OIST-designated outside independent mediators who provide external consultation and reporting services. Alternatively, every employee can directly consult the Vice President for Gender Equality and Human Resource Development (VPGEHR) [\[link:39.4.3\]](#).

39.1.2 Cases where the main issue is academic, scientific, or research misconduct or non-compliance are managed by the Dean of Faculty Affairs and the Chief Operating Officer (COO) , in accordance with the procedures provided for in PRP 23.4.

39.1.3 Conflict of interest issues are managed by the COO in accordance with the procedures provided for in PRP 22.1.

39.1.4 For all other non-harassment disputes, every employee should discuss and attempt to solve disputes with the immediate supervisor or Unit, Section, or Division head. If the issue cannot be resolved within the Unit/Section/Division, the employee may contact the Vice President for Gender Equality and Human Resource Development (VPGEHR) for further steps for resolution, provided, however, that every employee should attempt to solve disputes in accordance with the procedures provided for in 39.6.1.

#### **39.2 Policy for Students**

OIST has procedures in place that provide students with systematic review processes for resolving both non-harassment and harassment issues. Students should discuss and attempt to resolve disputes with the Dean of the Graduate School.

### **39.3 The Ganjuu Wellbeing Service**

For students and employees who need advice and counseling, the Ganjuu Wellbeing Service is available to all OIST community members. The Ganjuu Wellbeing Service offers consultation, advice, and intervention in relation to a range of problems including harassment and other behaviors inconsistent with the OIST Respectful Workplace Policy. Employees can visit Ganjuu Wellbeing Service during their working hours.

### **39.4 Anti-Harassment and Anti-Bullying Policy**

The University is committed to creating and maintaining a safe and respectful environment in which all officers, employees, students, and visitors are treated with dignity and respect, in accordance with the Respectful Workplace Policy [\[link: 1.3.2\]](#). The University will not tolerate disrespectful communication, discrimination, harassment, or bullying in any form.

39.4.1 The University will take all disputes and harassment complaints seriously and handle them in confidence. When a dispute or an act of harassment is established, the University will take remedial measures and appropriate corrective actions.

39.4.2 If an OIST officer, employee, student, or exchange visitor feels that he or she is a victim of, or has witnessed, a violation of the Respectful Workplace Policy [\[link: 1.3.2\]](#), or feels that he or she is the victim of sexual, power, academic harassment, or other harassment, that individual should immediately consider taking action to inform the University of the situation.

39.4.3 To report such disputes or incidents of harassment, employees should contact either the confidential external Respectful Workplace and Anti-Harassment hotline (RWAH hotline) [\[link: 39.6.2.2\]](#) or the Vice President for Gender Equality and Human Resource Development (VPGEHR) [\[link: 39.6.2.3\]](#).

39.5 The University will not tolerate retaliatory action against any employee or student for making a good faith report of disputes or incidents of harassment based on 39.4.2[\[link: 39.4.2\]](#) and 39.4.3[\[link: 39.4.3\]](#) or 39.2[\[link: 39.2\]](#). Similarly, the University will not tolerate any direct or indirect use (or attempted use) of official

authority or official influence for the purpose of interfering with the rights of a student or an employee making a protected disclosure.

## **39.6 Rules**

### **39.6.1 Non-harassment Dispute Resolution Procedures**

39.6.1.1 Eligibility. All University employees are eligible to seek informal and formal non-harassment dispute resolution.

#### **39.6.1.2 Local Informal Problem Resolution**

39.6.1.2.1 Employees/students and supervisors are expected to work effectively to resolve complaints and disputes on other than harassment issues at the lowest level as possible. An employee will first seek informal problem resolution with the supervisor. If the dispute specifically involved the supervisor, the employee will discuss the problem with the next level of management.

39.6.1.2.2 The supervisor and higher level manager must investigate the complaint and take steps to resolve the problem. A written response must be presented to the employee. If the employee believes the problem has not been resolved within the Unit/Section/Division, the next level of dispute resolution (HR Level Dispute Resolution) is available.

#### **39.6.1.3 HR Level Dispute Resolution**

39.6.1.3.1 An Employee who makes a claim (claimant) may contact the Vice President for Gender Equality and Human Resource Development (VPGEHR), who first determines within 5 working days if the claim is appropriately filed, and informs the claimant if the claim should be resolved through the Misconduct (PRP 23) or Conflict-of-Interest (PRP 22) procedures.

39.6.1.3.1.1 A confidential email box has been set up to contact VPGEHR to make a claim: [RWAH.HRcontact@oist.jp](mailto:RWAH.HRcontact@oist.jp). VPGEHR or a HR staff

designated by VPGEHR will contact the person within 2 working days.

39.6.1.3.2 Once it is determined that the complaint is appropriately filed, the VPGEHR must facilitate communication about the dispute between the claimant and the Unit/Section/Division. The VPGEHR and the Unit/Section/Division must investigate the problem and take steps to attempt to resolve the complaint.

39.6.1.3.3 A written response to the dispute must be given to the claimant by the VPGEHR within 15 working days from the date the dispute was filed, unless additional time is needed in which case the claimant must be informed of the expected date of response.

#### 39.6.1.4 Committee Level Dispute Resolution

39.6.1.4.1 A problem that has not been resolved at the HR level may be brought to the Committee level. The request must be submitted in writing by the claimant to the VPGEHR for review by a Dispute Resolution Committee (DRC).

39.6.1.4.1.1 For each such case, the COO will establish a DRC consisting of at least 3 members, which may include external experts. The COO will appoint the chair.

39.6.1.4.2 The DRC must be formed and convened to review the dispute within 15 working days after receipt of the written request. If additional time is needed to convene the DRC, the 15 working days may be extended.

39.6.1.4.3 The DRC must conduct an impartial and confidential review to determine the facts and circumstances of the case, and make recommendations to resolve the matter. In principle, the DRC must make a recommendation within 20 working days from the date the DRC first convenes. If additional time is needed to complete the review, the period may be extended for additional 20 working days.

39.6.1.4.4 The DRC's report and the recommendation must be submitted to the COO. The COO is responsible to determine the final disposition of the case within 30 working days after receipt of the DRC's report and recommendation. If the COO needs additional time, the period may be extended for additional 30 working days.

39.6.1.4.5 The decision of the COO become final with concurrence of the President. Once the final decision has been implemented, the COO must notify the claimant that the case is closed. Due to privacy considerations, in some cases, the claimant may only be notified that the matter has been closed, without receiving any details of the outcome.

## **39.6.2 Harassment Resolution Procedures**

39.6.2.1 Eligibility. All University employees are eligible to seek both informal and formal harassment issue resolution. An employee who makes a claim (claimant) should either seek informal resolution with the confidential external Respectful Workplace and Anti-Harassment hotline (RWAH hotline) [\[link:39.6.2.2\]](#) or directly consult the VPGEHR [\[link:39.6.2.3.2\]](#).

### **39.6.2.2 RWAH Hotline**

The COO establishes the external Respectful Workplace and Anti-Harassment hotline.

The RWAH hotline provides a way to seek consultation or to make a complaint in Japanese or English that is confidential and separate from the University. The hotline is answered by experienced and trained professional mediators who can provide consultation, and if necessary report the matter to the University to seek a resolution of the situation. The claimant can choose which mediator to contact within the hotline.

Hotline in English: 080-6495-7196

Hotline in Japanese: 080-6495-7197

Since the mediators of the RWAH hotline may not immediately be available to answer the call, voice mail is provided, and they will call back, in general, within 2 working days of the call.

The mediators may also be contacted by email at [oistmediators@yahoo.co.jp](mailto:oistmediators@yahoo.co.jp), which reaches the mediators exclusively.

Every effort will be made to protect the privacy of claimants using the RWAH hotline. Claimants can choose to be anonymous or can identify themselves.

While every effort will be made to keep the consultation process confidential to respect the claimant's desire to remain anonymous, this cannot be guaranteed under all circumstances. If the matter is sufficiently serious, the mediator may encourage the claimant to give his/her name and to allow the mediator to report to the COO or the VPGEHR [\[link:39.6.2.2.1 c\]](#). In cases where the allegations involve bodily harm or other illegal action or present the imminent risk to the safety or health of the claimant or others at the University, the mediator may immediately inform the COO and the VPGEHR [\[link:39.6.2.2.1 d\]](#) even without the consent of the claimant.

#### 39.6.2.2.1 Role of the mediators

The ways in which the mediators provide consultation to the claimant vary from case to case according to the situation. The basic process is as follows:

- a. The mediators will listen to the complaint and discuss with the claimant how to resolve the problem.
- b. The mediator may also mediate the situation depending on the circumstances. With the consent of the claimant, the mediator may contact the claimant's supervisor, the accused, the accused's supervisor, or the designated person/section/division, when the mediator considers such contact to be useful or effective in resolving the situation.
- c. If the complaint contains serious allegations which are deemed to require the University to investigate and take remedial action, the mediator may urge the claimant to allow the mediator to report to the Provost, the COO or the VPGEHR.
- d. In cases where the allegations involve bodily harm or other illegal action (such as an assault, sexual or otherwise) or present an imminent risk to the safety or health of the claimant or others at the University, the mediator may

immediately inform the COO and VPGEHR even without the consent of the claimant.

39.6.2.2.2 Follow-up with the claimant: The claimant will, in principle, be informed by the Mediator of the outcome in cases described in b, c, d above when and as appropriate. Due to privacy considerations, in some cases, the claimant may only be notified that the matter has been closed, without receiving any details of the outcome.

39.6.2.2.3. Allegations against the President or a Member of the Executive: In the case of allegations made against the President, regardless of the nature of the allegations, the mediators will report directly to the Chair of the Board of Governors of the University. In the case of allegations made against a Member of the Executive including Deans, regardless of the nature of the allegations, the mediators will report directly to the President.

39.6.2.2.4 Record Destruction: The mediators will routinely destroy their informal notes containing identifying information pertaining to claimants who contact the mediators and those involved in resolving matters brought to the mediators. The only records maintained permanently contain aggregate statistical trend information.

### 39.6.2.3 HR-Level Dispute Resolution

39.6.2.3.1 If an employee making a claim (claimant) believes that the complaint and dispute on harassment issues have not been resolved through the confidential External Hotline, the claimant may contact the Vice President for Gender Equality and Human Resources (VPGEHR). A claimant may directly contact VPGEHR without going through the External Hotline.

39.6.2.3.1.1 A confidential email box has been set up to contact VPGEHR to make a claim: [RWAH.HRcontact@oist.jp]. VPGEHR or a HR staff designated by VPGEHR will contact the person within 2 working days.

39.6.2.3.2 The VPGEHR conducts an initial investigation and

attempts to resolve the complaint. This investigation is carried out informally and confidentially, and in close consultation with the claimant.

39.6.2.3.3. Issues that cannot be resolved through the informal process will be forwarded to a Harassment Investigative Committee (HIC), which will be established and convened by the VPGEHR within 15 working days after forwarding the issues, for resolution.

39.6.2.3.4 The HIC consists of 3 members, one of whom is designated as chair by the VPGEHR, and a legal counsel appointed by the General Counsel serving as an observer. An HR staff member provides secretarial support.

39.6.2.3.5 The HIC conducts an impartial and confidential investigation/ review to determine the facts and circumstances of the case, and make recommendations to resolve the matter. In principle, the HIC should prepare a written response to the VPGEHR within 20 working days from the date the HIC first convenes. If additional time is needed, the VPGEHR must be informed of the expected date of response.

39.6.2.3.6 A written response to the dispute must be given to the claimant by the VPGEHR within 10 working days from the date the HIC report was received by the VPGEHR unless additional time is needed, in which case the claimant must be informed of the expected date of response. Due to privacy considerations, in some cases, the claimant may only be notified that the matter has been closed, without receiving any details of the outcome.

39.6.2.3.7 Allegations against the President or a Member of the Executive: In the case of allegations made against the President, regardless of the nature of the allegations, the VPGEHR will report directly to the Chair of the Board of Governors of the University. In the case of allegations made against a Member of the Executive including Deans, regardless of the nature of the allegations, the VPGEHR will report directly to the President.



#### 39.6.2.4 Executive Committee Level Harassment Dispute Resolution

39.6.2.4.1 A problem that has not been resolved at the HR level may be brought to the Executive Committee level. The request must be submitted, in writing, by the claimant to the VPGEHR for review and investigation by a Harassment Dispute Resolution Committee (HRC).

39.6.2.4.1.1 The COO will appoint at least 3 members to a HRC for each case. The COO will appoint the HRC chair. The HRC members may include external experts.

39.6.2.4.2 The HRC must be formed and convened to review the dispute within 15 working days after receipt of the written request. If additional time is needed to convene the HRC, the time may be extended by 15 additional days.

39.6.2.4.3 The HRC must conduct a formal, confidential, impartial investigation/review to determine the facts and circumstances of the case. The HRC must make a recommendation within 20 working days from the date the HRC first convenes. If additional time is needed to complete the review, the time period may be extended for additional 20 working days.

39.6.2.4.4 The HRC's report and the recommendation must be submitted to the COO. The COO is responsible for the final disposition of the case within 40 working days after receipt of the HRC's report and the recommendation. If the COO needs additional time, the time period may be extended for additional 40 days.

39.6.2.4.5 The decision of the COO become final with concurrence of the President. Once the final decision has been implemented, the COO must notify in writing the claimant that the case is closed. Due to privacy considerations, in some cases, the claimant may only be notified that the matter has been closed, without receiving any details of the outcome.

## **39.7 Responsibilities**

### **39.7.1 Employees**

Employees must attempt to solve disputes in accordance with the procedures provided in this chapter.

### **39.7.2 Supervisors and Managers**

Supervisors and Managers must inform their subordinates about the availability of the mediators and the formal and informal complaint and dispute resolution procedures.

### **39.7.3 The Vice President for Gender Equality and Human Resource Development (VPGEHR), the President, the Provost, the COO, Dispute Resolution Committee (DRC), Harassment Investigative Committee (HIC), Harassment Dispute Resolution Committee (HRC), or their Representatives**

The Vice President for Gender Equality and Human Resource Development (VPGEHR), the President, the Provost, the COO, the Dispute Resolution Committee (DRC), the Harassment Investigative Committee (HIC), the Harassment Dispute Resolution Committee (HRC) or their designated representatives, are responsible for performing the tasks and duties outlined for them in this chapter.

### **39.7.4 The Mediators of the RWAH hotline**

RWAH hotline mediators are responsible for performing the tasks and duties outlined for them in this chapter.

## **39.8 Contacts**

### **39.8.1 Policy Owner:**

Vice President for Gender Equality and Human Resource Development (VPGEHR)

### **39.8.2 Other Contacts:**

Mediators of the RWAH hotline  
Employee Relation Specialist

## **39.9 Definitions**

### **39.9.1 Employees**

Employees, Fellows, External Researchers, and Personnel from Staff

Agencies.

### **39.9.2 Bullying**

Bullying is any ongoing antisocial or unreasonable actions that offends, degrades, intimidates, or humiliates a reasonable person, and has the potential to create a risk to health, safety, or wellbeing.

### **39.9.3 Harassment**

Harassment involves continued antisocial or unreasonable actions that violate a reasonable person's personal rights and/or dignity and cause mental suffering, and thus worsen the person's work environment or make him/her anxious about employment. Specific examples of harassment include (but are not limited to) abusive supervision or other abuses of power in an organizational or academic setting, and are not limited to actions by supervisors.

### **39.9.4 Sexual Harassment**

Sexual Harassment is harassment of a sexual nature, whether between individuals of the same or different sexes. The misuse of power in a manner that has sexual overtones is also considered as Sexual Harassment.

### **39.9.5 Academic Harassment**

Academic Harassment is the misuse of power or authority by an employee, student, or faculty member towards another individuals in a research or educational setting.

### **39.9.6 Power Harassment**

Power Harassment is the misuse of authority, status, or hierarchy by an employee or faculty member towards another individual, which offends, degrades, intimidates, or humiliates a reasonable person, and has the potential to create a risk to health, safety, or wellbeing.