

Policy category: Human Resources

Approving authority: CEO/President

Designated University Officer: Vice President for Human Resources

Responsible Office: HR Management Section

Related documents: PRP 1.3.2 RESPECTFUL WORKPLACE, 22. Conflicts of Interest Management and Security Export Control, 23. Investigation and Determination of Misconduct & Whistleblower Protection, 38 Discipline, 42 University Ombudsperson, Handbook for Chapter 39 Formal Procedures, Rules on Disciplines, etc. for Employees

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Next review: As appropriate

Chapter 39: Conflict and Dispute Resolution and Harassment Prevention

1. Purpose

The University is committed to fostering a positive working environment characterized by trust, respect, and mutual support at all organizational levels. The University does not tolerate harassment, bullying, and sexual violence in any form. The University will take disciplinary actions against those who engage in such behavior, in accordance with the University Respectful Workplace Policy ([Chapter 1.3.2](#)) and the Rules on Disciplines, etc. for Employees.

This Chapter establishes a comprehensive framework to ensure a safe, inclusive, and respectful workplace. It addresses concerns, interpersonal conflicts, and disputes fairly and efficiently while preventing harassment and bullying.

The Chapter emphasizes early conflict resolution, alternative dispute resolution methods, and formal processes when necessary. The expectation is that most issues will be resolved informally, with formal processes pursued when informal resolution cannot be achieved.

In a diverse and international academic work environment, it is natural for concerns, conflicts, and disputes to arise. These should be openly discussed and resolved whenever possible.

2. Scope

This policy covers work-related concerns, interpersonal conflicts, disputes, harassment, and bullying. It applies to all employees and students at the University, and any individual bound by the University's policies, during their term of employment or engagement.

This Chapter does not apply to:

1. Academic, scientific, or research misconduct or non-compliance covered under PRP Chapter 23 (Investigation and Determination of Misconduct & Whistleblower Protection).
2. Conflict of interest issues covered under PRP Chapter 22 (Conflicts of Interest Management and Security Export Control).

The Graduate School may establish additional rules for concerns, disputes, interpersonal conflicts, harassment, and bullying involving only students. Issues involving University employees and students are covered under this Chapter. In such issues, the Vice President for Human Resources will consult with relevant stakeholders such as the Dean of the Graduate School or the Dean of the Faculty Affairs.

3. Designated University Officer

The Vice President for Human Resources (VPHR) oversees the implementation, monitoring, and enforcement of this policy. The VPHR may delegate specific tasks but retains ultimate accountability.

Notwithstanding the above, the VPHR may not delegate the following decisions: (1) The need to establish an Investigation Committee; (2) The decision on the outcome of the Complaint.

4. Definitions

Harassment: Unwelcome conduct, actions, or communications directed against a person based on one or more protected characteristics, such as race, gender, sexual orientation, religion, disability, national origin, or status. Such conduct is considered harassment when it is evident that it interferes with an individual's employment, academic activities, or participation in university activities, creating an intimidating, hostile, or offensive environment. Seemingly trivial behavior can constitute harassment if repeated.

Types of Harassment (non-exhaustive list):

1. **Sexual Harassment:** Unwelcome conduct of a sexual nature that affects an individual's dignity or creates a hostile environment. It includes physical, verbal, or non-verbal actions such as unwelcome advances, sexually explicit remarks, inappropriate comments, or demands for sexual favors.
2. **Sexual Violence:** Coercion or force to engage in sexual acts, often exploiting positions of authority or situations where non-consent cannot be effectively expressed.
3. **Power Harassment:** Abuse of authority (including in an academic setting) to intimidate or harm individuals. It is often characterized by repetitive, intimidating, or unreasonable actions. Power Harassment is not limited to managerial or supervisory relationships and may occur between colleagues or by subordinates through different means, such as control of essential knowledge or experience. Legitimate managerial or supervisory actions conducted fairly do not constitute power harassment.
4. **Academic Harassment:** Misuse of power or authority, in an academic or research setting, by faculty, staff, or students, that adversely affects an individual's academic performance, research progress, or educational experience. It may include unfair evaluation, exclusion from academic opportunities, denial of necessary support, or unjustified criticism. Academic harassment can create a hostile or intimidating academic environment, particularly when the behavior is repeated or severe. While it may overlap with power harassment, academic harassment specifically pertains to behaviors that negatively affect educational or research activities. Legitimate managerial or supervisory actions conducted fairly do not constitute academic harassment.
5. **Pregnancy, childbirth, childcare, or nursing care Harassment:** Inappropriate behavior or language related to pregnancy, childbirth, childcare, or nursing care that negatively impacts the work or study environment.

Bullying: Systematic abuse of power through negative behaviors that undermine an individual personally or professionally, such as intimidation, exclusion, or disparagement. Bullying is not limited to managerial or supervisory relationships, and may occur in any direction - by supervisors, colleagues, or subordinates. It does not include constructive feedback or legitimate managerial actions conducted appropriately.

5. Direct Communication and Early Resolution

University employees and students are encouraged to address conflicts through direct communication with the involved parties as early as possible. Misunderstandings often underlie conflicts, and open, collaborative dialogue can resolve many issues. If needed, a neutral third party may assist in these discussions.

If direct communication is impractical or ineffective, employees and students should seek assistance from their supervisor or line manager. If the supervisor or the line manager is the source of concern, the issue should be taken to the next management level.

In such cases, managers and supervisors are expected to support and encourage direct communication if appropriate, and to provide guidance and information regarding alternative dispute resolution and formal procedures.

The University administration is responsible for ensuring that necessary training is provided for managers and supervisors.

In addition, the University promotes a culture of open communication and early conflict resolution by offering training opportunities for the wider community.

In cases of potential harassment or bullying, individuals should, if possible, express to the offending person that the behavior is unacceptable.

If the behavior persists, or the individual feels unable to address the offending person directly, they should report the matter to a supervisor, a line manager (or next management level, if the line manager is the source of concern), or HR.

6. Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) is a voluntary, informal, and confidential process for resolving conflicts collaboratively with the assistance of a neutral third party. While ADR does not replace formal procedures, it offers supplementary options through techniques such as mediation.

The OIST Ombuds Office (see PRP Chapter 42) provides ADR services, offering guidance and informal conflict resolution. Mediation, facilitated by the Ombuds Office, allows parties to work collaboratively toward resolution with the option to withdraw from the process at any time.

7. Formal Complaint Process

7.1 General

Employees and students may file formal complaints when direct communication or informal resolution efforts are unsuccessful or the nature of the issue warrants it. Formal complaints must be handled fairly, impartially, and promptly, respecting individual privacy.

The above does not detract from employees' and students' rights to file a formal complaint at any stage, regardless of whether informal steps have been pursued.

The University will not tolerate retaliatory actions against Complainants or other individuals acting in good faith in accordance with this Chapter.

According to the Rules on Disciplines, etc. for Employees, the University may take disciplinary actions against complainants or other individuals who make untruthful allegations in bad faith.

Employees, students, and any individual bound by the university's policies, are expected to collaborate with the VPHR or the Investigation Committee to ensure fairness and provide the necessary information.

Formal complaints should adhere to the "[Handbook for Chapter 39 Formal Procedures](#)".

7.2 Filing a Complaint

Formal complaints should be submitted in writing to the designated email address, in the appropriate form, including relevant details and evidence, as outlined in the Handbook. Complaints should be filed promptly to ensure an equitable process.

To ensure transparency, accountability, and fairness for all parties, anonymous complaints are not accepted under this Chapter. This does not derogate any anonymous reporting channels provided by the University for broader concerns unrelated to interpersonal conflict.

7.3 Complaint Review and Assessment

The HR Management Section is responsible for reviewing complaints to ensure they meet submission requirements outlined in the Handbook. Upon receiving a complaint, the HR Management Section will confirm receipt or inform the complainant of any missing information or actions required for processing the complaint. In such cases, the Complainant may refile the Complaint with additional information in accordance with section 7.2 above, and the revised Complaint will be reviewed by the HR Management Section accordingly.

The VPHR will review the complaint to determine the appropriate course of action and should consult with relevant University executives before making such a decision. The VPHR review may include:

- Assessing whether the primary issue falls under the scope of this Chapter.
- Recommending alternative dispute resolution measures, such as informal facilitated dialogue or mediation, when suitable.
- Determining, in conjunction with the Dean of Faculty Affairs, whether the complaint requires establishing an Investigation Committee or can be resolved directly by the VPHR.
- Considering if possible temporary measures to secure a safe working environment are necessary.

For complaints involving University executives, the VPHR will refer the matter to the President. If the Secretary-General or President is implicated, the matter will be referred by the VPHR to the Chair of the Board of Governors, who will determine an appropriate course of action, which may include the appointment of an external investigation committee.

The provisions of Chapter 39 and the Handbook will apply with necessary modifications to ensure neutrality and avoid conflicts of interest. Investigations in such cases may be expedited to minimize disruption and safeguard institutional integrity.

7.4 Complaint Resolution or Decision by the VPHR

For complaints not requiring an Investigation Committee:

Before deciding on the matter, the VPHR may (1) collect any additional information; (2) meet with the relevant parties; and will consult with relevant University executives.

The VPHR may consider any unreasonable delay in bringing up the subject matter of the complaint (for example, if such a delay significantly harmed the ability to investigate the Complaint effectively).

For complaints requiring an Investigation Committee:

Upon receipt of the investigation committee's final report, the VPHR shall review the findings, determine whether to accept the conclusions, and proceed with any necessary actions, including disciplinary procedures.

The complainant shall be informed about the conclusion of the process, and any other relevant information. The respondent shall be informed of the findings and any disciplinary or administrative actions if imposed. All communications shall be made in a timely manner, with due regard for fairness, confidentiality, and applicable privacy regulations.

7.5 Investigation Committee

In cases where the VPHR decides there is a need for an Investigation Committee, the VPHR will establish an Investigation Committee to assist in collecting relevant evidence and facts. The duties and responsibilities of the Investigation Committee, the Investigation Committee chair, and its operational procedures are described in the Handbook.

The VPHR will determine the composition of the Investigation Committee, including the chair of the Investigation Committee, considering the nature of the Complaint and other relevant factors, such as gender balance, language proficiency, specific skills, position level, and any perceived or potential conflicts of interest (COI).

The HR Division will ensure that the members of the Investigation Committee are familiar with this Chapter and the Handbook for Chapter 39 Formal Procedures and understand their duties and responsibilities.

The Investigation Committee will interview the relevant parties and witnesses, collect evidence, and submit the Investigation Committee Report to the VPHR.

8. Appeal

The Complainant, the Respondent, and any other party directly affected by the decision made by the VPHR (or, in specific circumstances, by the Secretary-General or the chair of the Board of Governors) may submit an Appeal. The appeal is limited to reviewing potential fundamental deficiencies.

The Appeal process does not allow for new allegations or evidence unless the evidence directly pertains to the original Complaint and could not have been reasonably presented earlier.

Appeals must be submitted to the Secretary-General in writing according to the Handbook and shall be handled and decided by the Secretary-General or the chair of the Board of Governors, as the case may be. The decision made by the Secretary-General (or the designated appointee) in the Appeal becomes final with the concurrence of the President.

9. Report

The VPHR will submit an annual report to the President and the Chair of the BOG at the beginning of each Fiscal Year. The annual report will review the activities under this Chapter in the previous FY, including the number of Complaints filed, how the complaints were handled (by establishing an Investigation Committee, or directly by the VPHR), number of complaints concluded, number of complaints still pending, average time to conclude a Complaint, and any other relevant information.

10. Review and Amendments

This Chapter may be reviewed and amended periodically in accordance with university policies. The Handbook will be reviewed by the HR Management Section and approved by the President.