

# **Guidelines for Investigations on Serious Situations of Bullying**

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**Ministry of Education, Culture, Sports, Science and  
Technology**

# Guidelines for Investigations on Serious Situations of Bullying

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## Introduction

- The Act for the Promotion of Measures to Prevent Bullying (Act No. 71 of 2013; hereinafter referred to as the "Act") came into effect on September 28, 2013, and investigations on the "serious situations" of bullying were provided in Article 28, paragraph (1) of the Act. The Act provides that a school establisher or the school established thereby should develop an organization under the school establisher or the school established thereby promptly and conduct investigations by using questionnaires or by other appropriate methods to clarify facts concerning the relevant situations (hereinafter referred to as "serious situations") with the aim of making responses thereto and helping with the prevention of any situations similar to the relevant serious situations. In response to the enforcement of the provisions, the Minister of Education, Culture, Sports, Science and Technology established the "Basic Policies for Preventing Bullying" under Article 11, paragraph (1) of the Act (decided by the Minister of Education, Culture, Sports, Science and Technology on October 11, 2013; hereinafter referred to as the "Basic Policies") and indicated methods of investigations by a school establisher or school and points to note, etc. with regard to "responses to serious situations." Furthermore, in response to the formulation of the Basic Policies, the "Guidelines for Investigations on Background When a Child Suicide Occurred" were revised with regard to investigations on serious situations conducted when there is a suspicion that bullying existed behind a suicide (July 2014), and the "Guidelines for Investigations on Serious Situations of Being Absent from School" (March 2016) were formulated with regard to investigations conducted in the case of the serious situations of being absent from school as referred to in Article 28, paragraph (1), item (ii) of the Act.
- However, even after formulation of the Basic Policies and these investigation guidelines, there have been cases in which a school establisher or school took inappropriate responses, such as failure to take responses based on the Act, the Basic Policies, and the investigation guidelines, despite occurrence of the serious situations of bullying, which caused serious damage to the relevant child/student and his/her guardians, etc. to feel great distrust.
- Article 2, paragraph (1) of the Supplementary Provisions of the Act provides that "Regarding measures for the prevention, etc. of bullying, a review should be made in consideration of the status of the enforcement of this Act in around three years after the enforcement of this Act, and necessary actions should be taken based on the results thereof if it is found necessary." In light of the provisions of the same paragraph, the "Council on Measures to Prevent Bullying," established by the Ministry of Education, Culture, Sports, Science and Technology, conducted verification of the status of the enforcement of the Act, and as a result, the Council suggested the "Summary of Discussions on the Status of the Enforcement of the Act for the Promotion of Measures to Prevent Bullying" (hereinafter referred to as the "Summary of Discussions") on November 2, 2016. The current situation and problems were pointed out in the section relating to "responses to serious situations" in the Summary of Discussions: "There are cases in which investigations are carried forward without reflecting any intention of a victim of relevant serious situations and his/her guardians or investigation results are not appropriately provided to the victim or his/her guardians." In addition, a direction of responses, "preparing guidelines for the way of carrying forward investigations on serious situations," was suggested in

response to such current situation and problems.

- In light of the above, the Ministry of Education, Culture, Sports, Science and Technology formulates the “Guidelines for Investigations on Serious Situations of Bullying” as follows with regard to responses to the serious situations of bullying referred to in Article 28, paragraph (1) of the Act in order to contribute to the implementation of appropriate investigations by school establishers and schools in accordance with the Act, the Basic Policies, etc.

## No. 1 Basic Stance of School Establishers and Schools

(Basic stance)

- A school establisher and school should understand the longing of a child/student victimized by bullying and his/her guardians (hereinafter referred to as “victimized child/student and his/her guardians”) for clarification of the facts of the bullying and an understanding of what happened and take responses based on the understanding.
- Even if there is inconvenient truth in relation to responses taken by a school establisher or school, the school establisher and school should clarify everything and sincerely review their own responses, and provide the victimized child/student and his/her guardians with appropriate explanations on the investigation results.
- A school establisher and school should recognize that investigations on serious situations are not intended directly for pursuing civil and criminal liability or taking responses to other disputes, etc. but are intended to clarify the overall picture of the facts of bullying, take responses to the bullying case, and prevent the recurrence of bullying of the same sort. A school establisher's and school's stance of removing all rot through investigations and reviewing a system for prevention of bullying, etc. serves as the initial step toward preventing future recurrence of bullying.
- A school establisher and school should first recognize that the overall picture of a case cannot be known without detailed investigations and should not lightly determine that “bullying did not exist” or “the school is not responsible.” A school establisher and school should note that if they transmit fragmentary information without ascertaining the situation, the information will spread beyond their control. In addition, a school establisher and school should strictly refrain from impairing the feelings of a victimized child/student and his/her guardians, for example, by saying that the problem was the child/student who is a victim or his/her family.
- In particular, in the case of suicide, even if the relevant child/student is considered to have had worries outside school, the school may have been able to find that fact before the suicide and have helped the child/student. Therefore, a school establisher and school should recognize that they have the responsibility to appropriately investigate facts and take measures to prevent recurrence, irrespective of whether bullying existed behind the suicide.
- Even if a victimized child/student and his/her guardians do not desire detailed investigations and publication of the case, it is necessary that the school establisher and school review and verify their own responses to the extent possible. Such review and verification will lead to prevention of recurrence or may clarify new facts. Therefore, a school establisher and school must not neglect to verify their own responses on the grounds that a victimized child/student and his/her guardians do not desire the verification. Investigations on serious situations can also be conducted without revealing the implementation of investigations itself and investigation results to the outside if a victimized child/student and his/her guardians wish so. Therefore, a school establisher and school should accurately understand the intention of a victimized child/student and his/her guardians and carry forward investigations while devising investigation methods. A school establisher and school must not easily choose not to handle a case as

serious situations.

- In light of the above, a school establisher and school should voluntarily and subjectively suggest implementation of detailed investigations to a victimized child/student and his/her guardians.

(Way of treating bereaved family in a suicide case)

- In suicide cases, it sometimes takes time before a school establisher or school carries forward explanations about investigations to the bereaved family due to the feeling of having lost their child. However, such situation can naturally occur. Therefore, a school establisher and school should understand the feelings of the bereaved family and take responses carefully. A school establisher and school should take necessary time to give in-depth explanations, patiently endeavor to build a relationship of trust, and carry forward investigations while maintaining close contact with the victimized child/student and his/her guardians.

## No. 2 Clues to Ascertaining Serious Situations

(Definition of serious situations)

- Article 28, paragraph (1) of the Act defines the serious situations of bullying as “when it is found that there is a suspicion that bullying has caused serious damage to the life, mind and body or property of a child, etc. enrolled in the school” (item (i) of the same paragraph; hereinafter referred to as the “serious situations of causing damage to life, mind and body or property”) and “when it is found that there is a suspicion that a child, etc. enrolled in the school has been forced to be absent from school for a considerable period of time due to bullying” (item (ii) of the same paragraph; hereinafter referred to as the “serious situations of being absent from school”). A school establisher and school should recognize that they must not start taking responses as serious situations at the stage where facts have been determined but must start investigations at the stage where a suspicion arises.

(Influence caused by failure to take early responses as serious situations)

- Serious situations are often a result of damage becoming serious due to failure to resolve bullying early. Therefore, if a school does not promptly take responses even after a suspicion arises, the act of bullying will escalate further and damage may become more serious. At worst, it is assumed that the situation will develop into an irreversible situation. Therefore, a school establisher and school should recognize again the importance of taking responses to serious situations.

(Scope of serious situations)

- Definition of serious situations (case examples) \*Cases that were handled as serious situations [Attachment]
- Cases in which a bad decision was made in relation to serious situations, etc.
  - (i) Despite the fact that a victim clearly suffers serious mental and physical damage (bone fracture and

concussion) due to bullying and that the situation falls under the serious situations of causing damage to life, mind and body or property, the school establisher and school determined that the situation does not fall under the serious situations of being absent from school on the grounds that the number of days of absence was less than 30 days and did not start investigations on the serious situations. Consequently, the situation became more serious, and the victim came to be absent from school over a long period of time. In this case, the school establisher and school should have promptly taken responses, considering the situation as the serious situations of causing damage to life, mind and body or property.

- (ii) The definition of the serious situations of being absent from school uses 30 days of absence a year as a guide. However, the Basic Policies provide that “However, if a child/student is absent from school consecutively for a certain period of time, the school establisher or school needs to promptly start investigations at its own discretion without regard to the aforementioned guide.” Despite that fact, there were cases in which a school did not handle a case as serious situations on the grounds that the number of days of absence did not exactly reach 30 days and thereby the school did not start taking responses. Such negative responses taken by the school caused the situation to become more serious and made it difficult for the victimized child/student to return to school, although the victimized child/student would have been able to recover if the school had taken responses early.
- (iii) The serious situations of being absent from school are provided as “when it is found that there is a suspicion that a child, etc. enrolled in the school has been forced to be absent from school for a considerable period of time” due to bullying. If a victimized child/student leaves school in a bullying case at an upper secondary school or private elementary or lower secondary school, etc. or if a victimized child/student changes schools in a bullying case, it means that the victimized child/student suffered so much mental pain that he/she comes to leave school or change schools. Therefore, such case is sufficiently considered to fall under the serious situations of causing damage to life, mind and body or property, and therefore, appropriate responses are necessary. In this regard, boards of education and other school establishers and prefectural departments and bureaus in charge of private schools should provide guidance so as to prevent such responses as not conducting detailed investigations because a case does not fall under the definition of the serious situations of being absent from school as the relevant victimized child/student is not absent from school.

(Case where a suspicion arises based on a petition relating to the occurrence of serious situations filed by a victimized child/student and his/her guardians)

- When a school receives a petition relating to the “occurrence of serious damage due to bullying” from a victimized child/student or his/her guardians (including the case where the word “bullying” is not used, for example, in a petition complaining about mental or physical abnormality or change caused by a human relationship), even if the school considers the situation as “not being a result of bullying” or “not falling under serious situations” at the time, the school should report that fact as the occurrence of serious situations and conduct investigations, etc. A school should note that it cannot assert that a case does not fall under the serious situations of bullying without conducting investigations because a petition from a victimized

child/student or his/her guardians can be very important information that the school cannot obtain itself.

(Initial response when a suicide tragically occurred)

- A school establisher and school should take responses after developing an organizational structure in reference to the “Manual for Emergency Response in the Case of Child Suicide” (March 2010, Ministry of Education, Culture, Sports, Science and Technology), Chapter 5 in the “Methods of Preventing Child Suicides Which Teachers Should Know” (March 2009, Ministry of Education, Culture, Sports, Science and Technology), and manuals, etc. prepared by local governments.

### **No. 3 Report on Occurrence of Serious Situations**

(Purpose of a report on occurrence)

- The Act provides that if serious situations occur (when it is found that there is a suspicion that bullying has caused serious damage; the same applies hereinafter), a school must promptly report the occurrence of the serious situations to the head of the local government, etc. via the school establisher (Articles 29 to 32 of the Act). If a school does not take this response, it not only violates the Act but also causes delay in guidance and advice to the school establisher and school, support therefor, and other responses by the local government, etc.
- If a school promptly reports the occurrence of serious situations to the school establisher and the head of the local government, etc., the school establisher, etc. can provide support, such as dispatch of staff, including guidance officers, school counselors, and school social workers. A school establisher and school must recognize that failure to report the occurrence of serious situations will prevent prompt provision of such support by the school establisher, etc. and can lead to further aggravation of the situations.
- A school establisher that has received a report of the occurrence of serious situations should provide support to a relevant school while holding sufficient consultations with the school principal, for example, by dispatching staff to the school, so that the school can take appropriate responses to news reporting, etc.

(Consultation and collaboration for development of a support system)

- In the case of a public school, the municipal board of education should consult with the prefectural board of education about responses to serious situations and request support therefrom as necessary. In addition, if a private school cannot develop a sufficient support system, etc., the prefectural department with jurisdiction over private schools should provide appropriate support. In doing so, the prefectural department with jurisdiction over private schools should appropriately request advice or support from the prefectural board of education and take responses in collaboration with the prefectural board of education. If a school attached to a national university cannot develop a sufficient support system, etc., the national university should provide appropriate support. In doing so, the national university should

appropriately request advice or support from the Ministry of Education, Culture, Sports, Science and Technology and the prefectural board of education and take responses in collaboration with the Ministry of Education, Culture, Sports, Science and Technology and the prefectural board of education.

- Under Article 35 of the Act, an establisher of a college of technology and the college of technology should take necessary actions regarding measures for preventing bullying, etc. against students enrolled in the college of technology in accordance with the circumstances of the college of technology. When the serious situations of bullying occurred at a college of technology and there are circumstances such as where the school establisher and school cannot develop a sufficient support system, the school establisher should appropriately request advice or support from the Ministry of Education, Culture, Sports, Science and Technology and the prefectural board of education and take responses in collaboration with the Ministry of Education, Culture, Sports, Science and Technology and the prefectural board of education.

#### **No. 4 Establishment of Investigation Organization**

(Constitution of an investigation organization)

- An investment organization should be formed as an organization with fairness and neutrality secured so that it can find facts objectively. For this purpose, a school establisher and school should endeavor to promote the participation of personnel with professional knowledge and experience, such as attorneys at law, psychiatrists, persons with relevant expertise, and experts in psychology or welfare, etc. who have neither a direct human relationship with nor a special interest in the parties related to the relevant bullying (third parties) through recommendation, etc. from professional organizations, universities, and academic societies.

(Types of investigation organization)

- Regarding a body that conducts investigations on serious situations, a school establisher should determine whether the school or the school establisher (board of education, etc.) is to mainly conduct the investigations. In doing so, a school establisher should also appropriately determine the constitution of an investigation organization, such as whether to establish an investigation organization that consists solely of third parties or a system made by adding third parties to an organization centered on the staff of the school and school establisher.
  - (i) Where a school establisher mainly conducts investigations
    - a. For public schools
      - Where investigations are conducted at an affiliated organ established under the board of education as referred to in Article 14, paragraph (3) of the Act (organization that consists of third parties)
      - Where investigations are conducted at an affiliated organ for conducting investigations on individual bullying cases (organization that consists of third parties; an affiliated organ that conducts investigations

not only on bullying but also on cases that occurred at a school, such as physical punishments and school accidents, is also possible)

b. For private schools and schools attached to a national university

· Where the school establisher establishes a third-party investigation committee

(ii) Where a school mainly conducts investigations

a. Where third parties are added to an existing organization for measures for the prevention, etc. of bullying (Article 22 of the Act; hereinafter referred to as an "organization for measures against school bullying")

b. Where the school establishes a third-party investigation committee

(Where investigations with a third-party investigation committee established are not conducted)

- There are cases in which an organization for measures against school bullying has conducted investigations on the facts of bullying under Article 23, paragraph (2) of the Act before a school determines the situation as falling under the serious situations of bullying. In such case, requesting a third party (attorney at law, etc.) to reanalyze investigation materials relating to investigations under the same paragraph or conducting new investigations as necessary may be regarded as investigations on serious situations. Moreover, when the overall picture of facts has been sufficiently clarified through investigations conducted by an organization for measures against school bullying under Article 23, paragraph (2) of the Act and consent is obtained from related parties (victimized child/student, children/students who conducted bullying, and their guardians), investigations with a third-party investigation committee established are not conducted again to confirm facts in some cases. However, it is necessary to appropriately determine whether to establish a new third-party investigation committee, etc. in relation to the verification of responses taken by the school establisher and school and formulation of measures for the prevention of recurrence.

#### No. 5 Explanation about Investigation Policy to a Victimized Child/Student and His/Her Guardians, etc.

(Precautions for explanation)

- A school establisher and school should not provide a categorical explanation, such as "bullying did not exist."
  - \* A school establisher and school should not make a remark such as "bullying did not exist" or "the school is not responsible," based on past periodic questionnaire surveys before conducting detailed investigations.
- Where it is clear after the occurrence of a case even without conducting detailed investigations that inappropriate responses taken by a school establisher and school resulted in deeply hurting a victimized child/student and his/her guardians, the school establisher and school should promptly provide the victimized child/student and his/her guardians with explanations about the inadequacy of the responses and make an apology, etc. without waiting for the results of detailed investigations.
- A school establisher and school should strictly refrain from words and actions that hurt the feelings of a victimized child/student and his/her guardians.
  - \* Remarks, such as "There are also problems with the victimized child/student's family" (The situation

surrounding the victimized child/student is confirmed at the stage of conducting fair and neutral investigations on serious situations, and the school should not lightly make remarks thereon.)

\* Responses without regard for a victimized child/student and his/her guardians when returning his/her belongings or personal mementos (A school establisher and school must neither unilaterally send the belongings or personal mementos to the home of the victimized child/student or his/her guardians nor dispose of them without returning them.)

- A school establisher and school should carry forward the procedures for filing an application for mutual aid benefits with the Japan Sport Council after providing in-depth explanations to guardians.
- A school establisher and school should give first priority to taking responses while maintaining close contact with to a victimized child/student and his/her guardians and build a relationship of trust with them.

(Matters to be explained)

- A school establisher and school should provide a victimized child/student and his/her guardians with explanations about the matters stated in (i) to (vi) below before conducting investigations. There are cases where a school establisher and school provide such explanations and cases where an investigation organization, such as a third-party investigation committee, does so. However, which of them provides explanations should be appropriately determined according to the situation.

(i) Purposes and objectives of investigations

Aschool establisher and school should provide explanations as follows: Investigations on serious situations are not intended directly for pursuing civil and criminal liability or taking responses to other disputes, etc. but are intended to ensure that the school establisher and school face facts and thereby clarify the overall picture of the case, take responses to the situation, and prevent the occurrence of situations of the same kind.

(ii) Body that conducts investigations (constitution of an organization and selection of members)

A school establisher and school should provide a victimized child/student and his/her guardians with explanations about the constitution of the investigation organization. Regarding selection of members of an investigation organization, a school establisher and school should explain that fairness and neutrality thereof are secured, for example, by selecting the members in response to recommendations from professional organizations. A school establisher and school should also have professional organizations submit reasons for recommendation proving that a recommended person is one whose expertise, fairness, and neutrality are secured, as necessary.

Where a victimized child/student and his/her guardians make a request about the types of jobs of the members and professional organizations during explanations and it is found necessary from the perspective of securing neutrality, fairness, and expertise of the members, the school establisher and school should make adjustments.

(iii) Time and period of investigations (schedule and periodic reports)

A school establisher and school should indicate to a victimized child/student and his/her guardians an estimate of the time when investigations are started and of the period required to obtain investigation results.

A school establisher and school should provide a victimized child/student and his/her guardians with the explanation that progress of investigations is to be reported on a periodic basis and on a timely basis, before the investigations begin.

(iv) Matters to be investigated (facts of bullying, responses taken by a school establisher and school, etc.)/persons subject to investigations (scope of children/students, and of teachers and other staff subject to interview, etc.)

A school establisher and school should provide a victimized child/student and his/her guardians with explanations about matters to be investigated in investigations on serious situations (facts of bullying, responses taken by the school establisher and school, etc.) and persons subject to investigations (scope of children/students, and of teachers and other staff subject to interview, etc.), before beginning the investigations. In doing so, a school establisher and school should hear in detail the matters, etc. on which investigations the victimized child/student and his/her guardians desire. It is necessary to note that if any of the matters to be investigated, etc. is omitted in investigations on serious situations, reinvestigation by the head of the local government, etc. must be conducted in some cases.

Incidentally, where a third-party investigation committee subjectively decides matters to be investigated and persons subject to investigation, it should provide appropriate explanations when the direction thereof becomes clear.

(v) Investigation method (form of a questionnaire survey, method of interviews, and procedures)

A school establisher and school should provide a victimized child/student and his/her guardians with explanations about the form of a questionnaire survey used in investigations on serious situations, method of interviews, and procedures. In providing such explanations, if a school establisher and school receive a request about the investigation method from a victimized child/student and his/her guardians, they should reflect the request in the investigation method to the extent possible.

(vi) Provision of investigation results (provision to a victimized child/student and bullying children/students, etc.)

- In relation to the provision of investigation results (including information ascertained in the course of investigations), a school establisher and school should first provide a victimized child/student and his/her guardians with explanations about the content of investigation results to be provided.
- A school establisher and school should provide a victimized child/student and his/her guardians with the explanation that individual information is provided in accordance with the ordinance for protection of personal information of each local government, before providing the information.

- A school establisher and school should provide a victimized child/student and his/her guardians with explanations about the method of provision of information with regard to the results of questionnaire surveys, etc. and handling of the originals of questionnaires, before providing the information. A school establisher and school should provide the explanation that, for provision of information obtained from a questionnaire survey, they adopt a method in which information is provided while giving considerations, such as protecting information, from which an individual can be identified, such as personal name and handwriting, etc. (for example, by concealing a personal name and typing answers to conceal handwriting) or a method in which the originals of questionnaires are provided as information under certain conditions, before providing the information.
  - For preservation of documents relating to investigations, including questionnaires, a school establisher and school should provide explanations about the period of preservation of documents while mentioning that preservation is conducted based on the document management rules of the school establisher, etc.
  - A school establisher and school should obtain the consent of a victimized child/student and his/her guardians with regard to the method of providing bullying children/students with explanations about investigation results whenever possible, before providing the explanations.
- A school establisher and school should also provide bullying children/students and their guardians with explanations about the matters stated in (i) to (vi) above before conducting investigations. In doing so, a school establisher and school should also appropriately hear opinions about investigations from bullying children/students and their guardians.

(Responses when providing explanations to the outside)

- Before providing explanations to the outside at a press conference, parent's meeting, etc., a school establisher and school should inform the bereaved family of a victimized child/student of the content of the explanations on a case-by-case basis. (When explanations are provided to the outside in documentary form, for example, as distributed material, the school establisher and school should endeavor to obtain the bereaved family's agreement on the draft document in advance.) The school establisher and school need to understand that if a bereaved family is not informed in advance, the bereaved family will come to first know the content of explanations through news reports, which causes the bereaved family to distrust the school, etc.

(Way of informing other children/students, etc. of the fact of suicide in a suicide case)

- In informing outsiders, including other children/students, of the fact of suicide, a school establisher and school should endeavor to obtain agreement thereon from the bereaved family of the child/student who committed suicide. Where a bereaved family of a victimized child/student does not agree to inform outsiders that the child/student's death was suicide, if a school tells a lie, it may lose the trust of children/ students and their guardians. Therefore, a school establisher and school should devise a way of

communication, for example, by saying only that "We heard that he/she died suddenly." (A school establisher and school must not say that "He/she died in an accident" or "He/she changed schools.")

- In the case of conducting investigations on the serious situations of bullying, it is necessary to a certain extent to inform other children/students that a victimized child/student's death was suicide. In this case, if teachers and staff in a school inform the children/students of that fact in different ways, it will be a source of unnecessary speculation. Therefore, a school establisher and school should unify the way of communication within the school.

(Where a victimized child/student and his/her guardians do not desire detailed investigations and publication of the case) [Already mentioned above]

- Even if a victimized child/student and his/her guardians do not desire detailed investigations and publication of the case, it is necessary that the school establisher and school review and verify their own responses to the extent possible. Such review and verification lead to prevention of recurrence or may clarify new facts. Therefore, a school establisher and school must not neglect to verify their own responses on the grounds that a victimized child/student and his/her guardians do not desire the verification. Investigations on serious situations can also be conducted without revealing the implementation of investigations itself and investigation results to the outside if a victimized child/student and his/her guardians wish so. Therefore, a school establisher and school should accurately understand the intention of a victimized child/student and his/her guardians and carry forward investigations while devising investigation methods.

(Care for a victimized child/student and his/her guardians)

- Where a victimized child/student and his/her guardians are mentally unstable, a school establisher and school should recommend them to receive counseling and care from a medical institution. In this case, it is desirable that teachers and other staff of the school, school counselors, and school social workers, etc. maintain close contact with to the victimized child/student and his/her guardians to lead to support by specialized organizations whenever possible. In addition, where a victimized child/student has a school-age brother(s) or sister(s), the school establisher and school should give them the care necessary to live school life as necessary, with full respect for their intentions.
- A school establisher should provide active support to the school it established. In particular, the municipal board of education needs to consider utilizing the out-of-school suspension measure against bullying children/students and taking flexible responses, such as change of designation of a school in which a victimized child/student is enrolled and enrollment in a school outside the district, if a victimized child/student and his/her guardians wish so, in order to ensure that the victimized child/student and other children/ students can receive education with peace of mind.

#### **No. 6 Implementation of Investigations**

(1) Matters to note in conducting investigations [common]

(Explanations to persons subject to investigations, guardians, etc.)

- A school establisher and school should conduct a questionnaire survey after providing other children/students who are subject to investigations and their guardians with the explanation that the questionnaire survey is conducted for the purpose of investigations on the serious situations of bullying by the school establisher or school (purpose of the questionnaire survey) and that survey results may be provided to the relevant victimized child/student and his/her guardians.
- As time passes, children/students are influenced by rumors and news reports, etc. and their memories become ambiguous, which may pose considerable difficulties on the organization of facts. Therefore, a school establisher and school should endeavor to conduct investigations as promptly as possible. Although it sometimes takes time to establish a third-party investigation committee, a school establisher and school should endeavor to conduct interviews at an early date and prevent scattering of related materials according to the situation so that the investigating body can conduct sufficient investigations.
- A questionnaire survey could also be conducted on an anonymous basis according to the situation.

(Investigations on children/students, etc.)

- A school establisher and school should ascertain facts concerning bullying by conducting questionnaire surveys and interviews, etc. targeting a victimized child/student, his/her guardians, other children/students enrolled in the school, teachers and other staff of the school, etc. In this case, it is necessary to conduct investigations with the highest propriety to protection of the victimized child/student and children/ students who provided information concerning the bullying.
- In investigations, a school establisher and school should also hear opinions about facts concerning bullying subject to the investigations from bullying children/students to secure fairness and neutrality.

(Preservation of records)

- A school establisher and school should appropriately preserve the records of information ascertained through investigations based on the document management rules, etc. of each local government, etc. These records include records obtained and prepared by a school establisher and school in investigations referred to in Article 23, paragraph (2) of the Act before they started handling the case as the serious situations of bullying(\*), as well as records of investigations conducted by a body that conducts investigations on serious situations (third-party investigation committee, etc.). Incidentally, these records should be, in principle, appropriately preserved based on the document management rules, etc. of each local government, but it is desirable to preserve records concerning investigations on individual serious situations at least for five years, in conformity with the period of preservation of student records.

\* Records of questionnaire surveys and individual interviews a school conducts on a periodic basis, records of the content of reports and consultations concerning bullying, records of interviews of children/students, etc.; it is necessary to note that even a record in the form of a note handwritten by a teacher or other staff may fall

under an official document (administrative document) as referred to in the document management rules of each local government, etc.

- A school establisher and school should dispose of these records after providing explanations to a victimized child/student and his/her guardians (there is a case in which a school establisher and school disposed of such records without prior consent and thereby caused the victimized child/student and his/her guardians to distrust the school). In addition, it is also possible to set the period of preservation anew with regard to individual records in light of the opinions of a victimized child/student and his/her guardians.

(Progress report during investigations)

- A school establisher and school must not refuse to provide explanations to a victimized child/student and his/her guardians on the grounds that investigations are ongoing, and should make a report on the progress of investigations, etc.

(Analysis)

- In investigations, a school establisher and school should conduct analysis with regard to whether responses under the School Basic Policies for Preventing Bullying referred to in Article 13 of the Act were appropriate, whether an organization for measures against school bullying has played its roles, and what is contained in the school's bullying prevention program and manual for early detection and response to a case, and whether they have been appropriately operated and functioned.

(2) In the case where there is a suspicion that bullying existed behind a suicide or suicide attempt

- A school establisher and school should take responses in line with the "Guidelines for Investigations on Background When a Child Suicide Occurred (Revised Version)" (July 2014, Ministry of Education, Culture, Sports, Science and Technology; hereinafter referred to as the "Background Investigation Guidelines").

(3) In the case of serious situations other than suicide and suicide attempt

- (i) Organization of document information
- (ii) Questionnaire survey (See page 17 of the Background Investigation Guidelines.)

A school establisher and school provide persons subject to investigations with the explanation that the results of a questionnaire survey may be provided to a victimized child/student or his/her guardians in advance.

(iii) Interviews (See page 18 of the Background Investigation Guidelines.)

(iv) Organization of information (See page 19 of the Background Investigation Guidelines.)

A school establisher and school organize information obtained through investigations mentioned in (i) to (iii) and conduct analysis and evaluation of the information. (It is desirable that analysis and evaluation are professionally conducted from the standpoint of an external third party.)

(v) Consideration of measures for the prevention of recurrence (See page 20 of the Background Investigation Guidelines.)

(vi) Compilation of a report (See page 20 of the Background Investigation Guidelines.)

(4) In the case of the serious situations of being absent from school

- A school establisher and school should conduct investigations in line with the "Guidelines for Investigations on Serious Situations of Being Absent from School" (March 2016, Ministry of Education, Culture, Sports, Science and Technology).

#### **No. 7 Explanation and Publication of Investigation Results**

(Report of investigation results)

- A school establisher and school which was shown the results of investigations on serious situations should make a report and provide explanations to the head of the local government, etc. with regard to the investigation results and policies for subsequent responses (Articles 29 to 32 of the Act). In that regard, for a public school, the investigation results and policies are handled as agenda items at a meeting of a board of education, and it should also be considered to handle them as agenda items at a meeting of a comprehensive education council. In addition, for a private school, it should be considered to handle the investigation results and policies as agenda items at a meeting of a comprehensive education council.

(Submission of opinions to the head of a local government, etc.)

- When reporting investigation results to the head of the local government, etc., a victimized child/student and his/her guardians may attach a document summarizing their opinions about the investigation results to the report. A school establisher and school should inform a victimized child/student and his/her guardians to this effect before reporting the investigation results.

(Provision of information and explanations to a victimized child/student and his/her guardians)

- Article 28, paragraph (2) of the Act provides that "When having conducted investigations under the provisions of the preceding paragraph, a school establisher or the school established thereby should provide the facts found through the investigations with regard to the serious situations and other necessary information to the victimized child, etc. and his/her guardians appropriately." It is a legal obligation of a school establisher and school to appropriately provide a victimized child/student and his/her guardians with information concerning investigations and explanations about investigation results. A school establisher and school should provide a victimized child/student and his/her guardians with information and explanations in consideration of this point.
- A school establisher and school should appropriately provide a victimized child/student and his/her

guardians with information and explanations in accordance with the ordinance for protection of personal information, etc. of each local government. In that regard, a school establisher and school should do so while appropriately organizing parts excluding "parts that are not disclosed in light of the ordinance for protection of personal information, etc. of each local government." A school establisher and school must not unnecessarily neglect to provide information and explanations on the strength of protection of personal information. In addition, a school establisher and school should take all possible responses, including consideration in light of the opinions of experts and the departments and bureaus in charge of protection of personal information and disclosure of information of each local government, in order to appropriately provide a victimized child/student and his/her guardians with information concerning investigations under Article 28, paragraph (2) of the Act.

- A school establisher and school should provide a victimized child/student and his/her guardians with explanations about investigation results in line with the policies they explained in advance. In addition, a school establisher and school should provide bullying children/students with relevant information after confirming the policies for provision of information to bullying children/students again with the victimized child/student and his/her guardians.

(Publication of investigation results and confirmation of publication method, etc.)

- A school establisher and school should appropriately determine whether to publish the results of investigations on the serious situations of bullying in comprehensive consideration of the content and importance of the case, intention of the victimized child/student and his/her guardians, and influence on children/students in the case the results are published, and it is desirable to publish investigation results if there are no special problems. A school establisher and school should provide a victimized child/student and his/her guardians with explanations about the policies for publication.
- In the case of publishing investigation results, it is desirable to also publish the names of members of a relevant investigation organization unless there are special problems.
- In the case of publishing investigation results, a school establisher and school should confirm the method and content of publication with the victimized child/student and his/her guardians. In the case of publishing investigation results to the outside, including the media, a school establisher and school should report investigation results to other children/students or their guardians, etc. in advance whenever possible. Facts are not accurately communicated unless a school establisher and school provide explanations about investigation results with measures for the prevention of recurrence (including the direction of responses) by themselves, which can give rise to speculation and distrust toward the school among other children/students and their guardians.

(Provision of information concerning investigation results to bullying children/students and other children/students, etc.)

- A school establisher and school should provide bullying children/students and their guardians with explanations about the facts of bullying in line with the policies they explained to the victimized

child/student and his/her guardians. A school should inform bullying children/students of the facts found, including the investigation method and other processes, individually give guidance while getting close to the problems they have and their feelings in order to have them become aware of the mistake of bullying, and foster the feelings of apology toward the victimized child/student.

- Even where investigation results are not published to the outside, including mass media, a school establisher and school should consider providing other children/students and their guardians with explanations about the results of investigations on serious situations toward prevention of recurrence.

#### **No. 8 Protection of Personal Information**

(Protection of personal information on the occasion of publication of results)

- When publishing investigation results, a school establisher and school should appropriately determine whether to disclose individual information in light of the ordinance for protection of personal information, etc. of each local government.
- If a school establisher and school decide not to disclose statements concerning responses taken by the school and criticisms against the school in an investigation report together with personal information, it may cause distrust from the outside, such as suspicion that the school is concealing facts. A school establisher and school should appropriately organize and disclose parts excluding "parts that are not disclosed in light of the ordinance for protection of personal information, etc. of each local government." A school establisher and school must not unnecessarily neglect to provide explanations on the strength of protection of personal information.

#### **No. 9 Responses Based on Investigation Results**

(Support for a victimized child/student and guidance to bullying children/students, etc.)

- A school establisher and school should interview a victimized child/student about the circumstances and his/her feelings and give continuous care to the victimized child/student according to his/her circumstances. A school establisher and school should provide support for returning to school life and learning support if a victimized child/student is absent from school. In doing so, a school establisher and school should utilize school counselors, school social workers, and other experts as necessary.
- Where bullying has been found in investigation results, a school establisher or school should individually give guidance to a bullying child/student in order to have him/her become aware of the mistake of bullying and foster feelings of apology toward the victimized child/student. When giving guidance, etc. to a bullying child/student, a school establisher and school should do it while requesting his/her guardians to cooperate. In addition, a school establisher and school should appropriately consider taking a disciplinary action against a bullying child/student in relation to the act of bullying.

[Already mentioned above]

- A school establisher should provide active support to the school it established. In particular, a municipal board of education needs to consider utilizing the out-of-school suspension measure against bullying children/students and taking flexible responses, such as change of designation of a school in which a victimized child/student is enrolled and enrollment in a school outside the district, if a victimized child/student and his/her guardians wish so.

(Prevention of recurrence and disposition against teachers and other staff)

- A school establisher should verify responses taken by the school establisher and school, such as prevention of bullying, early detection and responses, and sharing of information, based on the facts found in investigation results and consider measures for the prevention of recurrence.
- Where gross negligence, etc. is pointed out with regard to responses to a bullying case taken by a school establisher and school in light of the Act or Basic Policies, etc., the school establisher and school should objectively ascertain facts after interviewing the teachers and other staff of the school and consider the necessity of taking a disciplinary action, etc. against the teachers and other staff. In addition, an incorporated educational institution should also consider appropriate responses, including these, in order to fulfill its responsibility as a corporation.

#### No. 10 Reinvestigation by the Head of Local Government, etc.

(Cases where reinvestigation is considered necessary)

- For example, in the following cases, investigations on serious situations conducted by a school establisher or school may be insufficient. Therefore, the head of a local government, etc. should consider conducting reinvestigation.
    - (i) Where a new important fact that could not have been known at the time of investigations was revealed through investigations, etc. or where a new fact was revealed but sufficient investigations have not been conducted thereon
    - (ii) Where sufficient investigations have not been conducted with regard to matters to be investigated which a school establisher and school confirmed with a victimized child/student and his/her guardians in advance
    - (iii) Where sufficient investigations have not been conducted with regard to responses taken by a school establisher and school
    - (iv) Where there is any doubt about the fairness and neutrality of the selection of the members of the investigation committee
- \* However, in the cases mentioned in (i) to (iv) above, a body that conducts investigations on serious situations (initial investigations) by a school establisher or school may conduct additional investigations or other investigations after changing its members.

(Submission of opinions to the head of a local government, etc.) [Already mentioned above]

- When reporting investigation results to the head of the local government, etc., a victimized child/student and his/her guardians may attach a document summarizing their opinions about the investigation results to the report. A school establisher and school should inform a victimized child/student and his/her guardians to this effect before reporting the investigation results.

(Implementation of reinvestigation)

- When having decided to conduct reinvestigation, the head of a local government, etc. should carry forward the reinvestigation in line with the matters mentioned in No. 1 to No. 8 above.
- When having conducted reinvestigation on a public school, the head of a local government must report the results thereof to the assembly (Article 30, paragraph (3) of the Act). The content reported to the assembly should be appropriately set by each local government according to the content of an individual case, but it is necessary to give necessary consideration to the privacy of individuals.

## Attachment

**Cases which a board of education, etc. has handled as serious situations on the grounds that bullying (including suspected bullying) caused any of the following situations**

◎ Note that the following are example cases and that damage that falls below them may be considered as serious situations in consideration of all circumstances.

**(i) Where a child/student attempted to commit suicide**

- A child/student attempted to commit suicide though he/she escaped with a minor injury.

**(ii) Where a child/student suffered serious damage to his/her mind and body**

- A child/student committed self-harm, such as slitting his/her wrist.
- A child/student was physically assaulted, resulting in a bone fracture.
- A child/student got thrown down, resulting in concussion.
- A child/student was punched, resulting in a broken tooth.
- A child/student was almost stabbed with a cutter, but avoided it by instantaneously using a bag as a shield.\*
- A child/student was diagnosed with posttraumatic stress disorder.
- A child/student continuously suffers psychogenic body responses, such as vomiting and abdominal pain.
- A student was forced to strip off his/her pants and underwear and get naked in front of many other students.\*
- An indecent image of a child/student or image created by processing the face of the child/student was diffused on the Internet.\*

**(iii) Where a child/student suffered serious damage involving money, goods, etc.**

- A student was forced to provide money by other students and handed over a total of 10,000 yen.
- A child/student's smartphone was dipped into water and broken.

**(iv) Where a child/student was forced to change schools due to bullying**

- A child/student continued to be absent from school (the number of days of absence was less than 30 days, which is the period used as a guide for occurrence of serious situations) and determined that he/she could not return to the school and changed schools (including leaving school, etc.).

\* The cases with an asterisk were considered as the serious situations of bullying on the grounds that a child/student ordinarily suffers serious damage to his/her mind and body or property if such act of bullying is committed.