

Sexual Harassment as a Global Society Issue

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Abstract

Over the past year, the “MeToo” movement has brought the issue of sexual harassment into the global social domain. This paper draws on an extensive review of relevant literature to specify different forms of harassment and to delineate the ways in which the attention given to sexual harassment has led to significant developments, especially in the fields of education and of political life. While sexual harassment has a long history, it has only received serious attention as a social malaise in recent years. Situations of impunity require a deeper commitment to critical educational interventions as an expression of “broader political and ethical visions that put inequality, oppression, and compassion to the fore” (Pennycook, 2001). The case for new policies to prevent sexual harassment and to gain justice for survivors remains compelling.

Since October, 2017 the “Weinstein Effect” – named after the Hollywood film producer Harvey Weinstein who was accused of sexual misconduct by over eighty women – has had enormous effects as a social and cultural phenomenon of global proportions. The effect is a trend for individuals to come forward with allegations of sexual misconduct against powerful (usually male) figures who hold prominent positions in particular areas of society. As of January, 2018, the following series of allegations had been made within the United States: Entertainment and Production: 48; Journalism, 21; Politics and Judiciary, 9. Clearly, the “Weinstein Effect” has had major implications in the lives of myriad individuals. It prompts a more profound engagement with the issue of sexual harassment itself, which can no longer be viewed simply as a private matter between individuals without reference to wider social conditions.

All coercive, sexualized practices can be seen as a type of sexual violence, as is clear from the World Health Organization (2002) World Report on Violence and Health.

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Part of the given definition of sexual violence is: “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic...” Clearly then, sexual harassment is not a trivial issue as every time that perpetrators make sexualized comments or actions in a coercive manner, they are engaging in a type of sexual violence, which merits punishment of someform.

What is the history of this type of behavior, and where has it been identified as an issue of concern? How can it be defined and what are its variations and effects? In her assessment of sexual harassment as a serious social problem in Japan, Huen (2007) argues that formal education is required to change the social attitudes of sexism which underpin the prevalence of sexual harassment. Accordingly, this paper focuses on initiatives to deal with sexual harassment within education and to adopt programmes to educate young people in respectful attitudes. It also addresses the question: “To what extent should general education confront sexual harassment as a widespread problem – in terms of sexual misconduct by instructors, students, and other participants in educational institutions – and to what extent can education hope to reduce or eliminate the scourge of sexual harassment as a prevalent social ill?” “How do cultural factors affect perceptions and tolerance of sexual harassment?” All of these questions are of concern for all who see sexual harassment as a significant human rights issue. Sexual harassment can also be seen as –ultimately – a symptom of capitalist patriarchy with its structuring principle of gender inequality of global dimensions (Eisenstein, 1978; 2004). Certainly, from this theoretical perspective, sexual harassment issues merit more scholarly attention than they have previously received.

Brief History of Sexual Harassment

In the early 1970's, around US university campuses like MIT and Cornell, groups of activist women began to recognize, name, and analyze a social problem that had long gone unnamed and unchallenged: sexual harassment (Seagrave, 1994). They shared their stories, recognized patterns and commonalities, and identified two main types of harassment (McKinnon, 1979): “quid pro quo” (where an employer or senior work colleague demands sexual favors for work benefits, promotion, or being spared dismissal) and a hostile work environment (where male colleagues habitually do physical, verbal, or non-verbal acts that female employees find offensive). In subsequent years, theorists have expanded the conceptual scope of “sexual harassment” to cover situations outside of the workplace; for example, when classmates stigmatize their peers as sexually promiscuous or engage in

homophobic bullying, this is a type of sexual harassment, as it draws on social prejudice and affects sexual subjectivity. Sexual harassment can also occur between people who are in intimate relationships (known in Japan as “Dating Violence,” a phenomenon that affects large numbers of students (“Survey finds” (2016). In addition, “street sexual harassment” usually occurs when men believe they have impunity to do a range of inappropriate acts such as: shouting out offensive comments or epithets on the street, groping women on crowded trains or buses, “upskirting” (taking photos of a person’s lower body) on escalators and stairs.

In 1985, legislation was enacted to prevent sexual discrimination happening in Japanese workplaces. However, the new laws did not cover sexual harassment. They relied on consent from the employer to pursue cases, and often this was not forthcoming. Since the late 1980’s, victims of sexual harassment in Japan have had to rely on tort and contract breach provisions under the Japanese Civil Code. The first sexual harassment civil lawsuit case in Japan was filed in Fukuoka District Court in 1989. As a means of expressing support for the litigant and for other victims, the Tokyo Second Bar Association hosted a one-day hotline to provide legal counselling and received 138 calls. The following year, ten books were published for the Japanese market to explain “*sekuhara*” issues (unfortunately, including some “how not to get caught” guidebooks). The doubtful efficacy of provisions made during the 1990’s can be discerned from the fact that 9,500 people filed cases with the Japanese Ministry of Labor in 2000 (Huen, 2007). In the same year, many activists pointed out negative aspects of the celebrated United States law case of *Leopold vs. Baccarat Inc.* The judgement in the case, decided by a federal trial court in New York in 2000 and affirmed by a federal appeals court in 2001, concerned Andree Leopold, a saleswoman for the Baccarat china and crystal company. She sued after her supervisor repeatedly threatened to replace her with someone “young and sexy” and referred to saleswomen using vulgar, dismissive language. Baccarat pointed to its policy against harassment and its grievance procedure. Leopold claimed that she did not use the grievance procedure because (like many procedures) it would have required her to report the harassment to her immediate supervisor, who in this case was the supervisor she was accusing of harassment, and because the policy lacked a guarantee that she would be protected from retaliation. The court ruled in favor of Baccarat anyway, recognizing that the procedure was inadequate in some ways but nonetheless stating that “the law is very clear that any reasonable policy will do.”

In recent years, there has been a growing awareness that sexual harassment is a more serious and a more prevalent social ill than had been previously

understood. A large number of allegations of sexual harassment against prominent Hollywood celebrities and high-ranking politicians in many parts of the world have only accentuated this realization. The “MeToo” campaign, which had been initiated years previously for women of color in the United States, suddenly became an Internet phenomenon in late 2017. The phrase was featured on twelve million Facebook posts and the “MeToo” campaign prompted a special session by the European Parliament. The sexual harassment “silence breakers” of the world were recognized as Time magazine’s “Person of the Year” for 2017. Many people around the world have become acutely aware of the significance of sexual harassment as a social problem.

While activists could only achieve slow social change to deal with street harassment, they did achieve considerable legal reforms to deal with workplace sexual harassment. Over the past thirty years, many laws have criminalized workplace sexual harassment and employers who do nothing to prevent sexual harassment. Many workplaces have instituted mandatory employee “training” to prevent harassment. However, this training has often consisted of little more than a dry lecture and a perfunctory viewing of an innocuous video. The proof that training programs have not been generally effective has become apparent in recent months with the “Weinstein Effect,” “MeToo,” “Times Up” campaigns, and related phenomena. Huge numbers of people (predominantly women) around the world have marched or posted on social media to express their solidarity with fellow-victims and to demand meaningful change.

Here in Japan, the effects have also been felt with a number of high-profile cases such as one in the Dentsu company. In late 2017, a blogger and writer under the name of “Hachu,” 31, accused prominent creative director Yuki Kishi, her former senior colleague at Dentsu, of sexual harassment. She claimed that he used to call her up in the middle of the night and tell her to come to his house and insult her appearance, among other inappropriate behavior. Kishi admitted part of the allegations and apologized over his actions, and quit the company he had established after leaving Dentsu the following day.

An even more prominent case was that of Ito, Shiori, a 28 year-old journalist and author of an auto-biographical work: “Black Box.” She alleged that she had been drugged and raped by a senior colleague, Yamaguchi Noriyuki, a journalist who is “well-connected” to figures in the Abe administration. Many eyebrows were raised when the prosecution of Yamaguchi, which seemed imminent, was suddenly dropped in mid-2016. As of the time of writing (February, 2018) it remains unclear if Ito will win her case which argues that a miscarriage of justice has occurred. In

the court of public opinion, however, she has experienced a distinct lack of support. She fears for her safety and only leaves the house wearing a disguise. While Ito's case involves rape rather than sexual harassment, Ito understands her assault as a symptom of a negative social climate and sexual harassment and rape as existing on the same spectrum of sexual assault. She sees as relevant the fact that she and her female colleagues experienced sexual harassment on public transportation on their daily commute to high school and to university. She expounded on these issues in an anti-sexual harassment symposium in Tokyo in February, 2018. The presence of a speaker from India, Nandini Rao, also underlined the international dimensions of sexual harassment issues. Rao referred to surveys which indicate that as many as 80% of women in India have been exposed to sexual harassment. Uttar Pradesh state has proposed as a solution the introduction of "Anti-Romeo" squads. Undercover female police squads roam the streets to track down and confront men who are engaging in "Eve-teasing" the colloquial expression for street sexual harassment. Rao underlined the fact that activists are forming coalitions with other groups in India: Caste rights, Tribal rights, Disability rights, Sexuality minority rights, Transgender rights, and other groups have formed alliances in recent initiatives against sexual harassment in Indian society. This might also prove effective in Japan and other parts of the world. More empirical research needs to be done in Japan to find out the extent to which these and other forms of gendered and sexual harassment are taking place in educational and other social institutions. The following section focuses especially on educational contexts, as many commentators see comprehensive sexuality and relationships educational programmes as the most effective catalyst for long-term change. In addition, they also recognize the need to transform the negative conditions which exist in many educational institutions, as these allow the perpetrators of sexual harassment, whether instructors, students, or administrators, to go unchallenged.

A Global Educational Perspective

Sexual harassment is certainly part of general education, both as an abusive practice within educational institutions, and as a classroom topic: A 2016-2017 investigation in the UK found that 7, 688 cases of sexual harassment by students against other students were reported during that school year in England and Wales alone (Stokes, 2017); Nor are tertiary level institutions irrelevant to the debate in the UK: In their investigation of sexual harassment against women academics in a UK university, Bagilhole and Woodward (1995) warn their peers that

“academic life can seriously damage your health.” The Australian government was concerned enough about the extent of this problem that its Human Rights Commission (n.d.) posted materials on-line for instructors to use in their classrooms as part of their efforts to tackle sexual harassment. In her analysis of toxic masculinities in Australian high school classrooms, Dalley-Trim (2009, p. 63) provides examples of domineering boys using sexually suggestive language and gestures against female classmates, and she notes that this harrying behavior often silences young women in classrooms as they feel they have “no weapon of resistance” against this type of sexual harassment. Another example of “sexualized displays”, with a transcript provided by the author, has one student being subjected to a homophobic taunt. Surprisingly, when the student responds to the taunt, he, rather than the original culprit, is sent outside of the classroom. This highlights the need for instructors to give their full attention to classroom interaction between students to ensure that they do not provide impunity for students who engage in verbal bullying, especially when sexual harassment is involved, either in the language itself, or as a prelude to offensive actions. Mills (2001) shows that toxic styles of masculinity often incite young men to display power over “weak” males as a way to shore up their own claims to “macho” masculine identity. Local authorities around Australia have supported “Boyswork” programs that seek to replace toxic masculinities, which often involve verbal bullying and violence, with positive gender styles that highlight non-violence and respect for the dignity of others.

A government agency in Canada, the Ontario Human Rights Commission, has released education fact sheets for use in schools; one fact sheet (Ontario, n.d.) is especially comprehensive as it includes homophobic and gender-based bullying within the remit of sexual harassment. This is fitting in view of the research findings of Psychology professor, Dorothy Espelage (2016) with 5th and 6th grade students in the U.S. In a 2014 longitudinal study sponsored by the US Department of Justice, she and her colleagues focused on dysfunctional dynamics in the home environment as a predictor of bullying and sexually harassing behavior in high school. The researchers also found that, “Homophobic name-calling sets the stage for the development of sexual harassment. For example, when youth are called “gay” or faggot, they start to sexually harass members of the opposite sex to demonstrate that they are not gay.” In addition, the Ontario Commission fact sheet provides concrete examples to explain to students what types of behavior constitute sexual harassment, including instances of teacher interactions with students: “The Ontario College of Teachers withdrew a 29-year-old teacher’s license because he sexually harassed a female student through e-mail. The teacher used a false name

and sent messages to the student that included information about what she had been wearing that day, what route she took to school, and sexual suggestions.” An article by social work academics in the United States (Kernsmith, Smith-Darden, & Hicks, 2017) also emphasizes the need to educate children about sexual harassment in order to reduce and eliminate a “community-wide problem that impacts all persons regardless of gender.” In the long term, prevention programs will have little effect if parents, educators and lawmakers allow boys and young men to be inducted into toxic styles of masculinity that promote acts of domination by men over women and over “weak” men. The authors cite research data (Centers for Disease Control, 2014) indicating that 23% of men in the United States have experienced sexual coercion, so men are relevant, both as offenders and as victims.

In Japan, educators should be aware that the problem of sexual harassment is probably more widespread than previously thought. A recent Japan Times article (Yamasaki, 2017) is entitled: “In Japan too, we need to talk about sexual harassment.” Unfortunately, many perpetrators of sexual harassment, in Japan and elsewhere, are undeterred by legal penalties. Many “silence breakers” have been stakeholders in education, either as instructors, administrators, concerned parents or students. An Education Ministry survey in Japan for 2016 (“Record 226 school staffers”) reported that 129 teachers had to be dismissed from public schools due to sexual assaults. In total, 226 school staff members were found culpable of offences including: secret filming of peeping, touching of victim’s body, and sexual intercourse.

A General Union (2014) survey found that appropriate action was taken against culprits in only 15% of cases; many respondents did not feel confident enough in the institutional system to report the incidents; many who did report sexual misconduct found there were no procedures in place for them to pursue justice and to prevent perpetrators re-offending: in fact, representatives at lower-management level usually discouraged victims from taking any further steps to deal with the situation. The survey also indicated that sexual harassment occurs in a wide range of educational institutions, from the largest to the smallest, and that many instructors feel unsafe in their work environment. Union articles on the language conversation school GABA (General Union, 2015, 2017) also indicate that language instructors in the “eikaiwa” sector are particularly vulnerable to sexual harassment and lack of managerial support (cf. Currie-Robson, 2014). However, an even more fundamental cause of concern can be identified in the lack of legal protection for victims under Japanese law. In most cases, justice cannot be served without the integrity of employers as no legal agency actively enforces anti-sexual

harassment provisions. Loopholes in the law also exist, such as the situation where company provisions demand that complainants work through their supervisor, an execrable situation if the supervisor is the person who is guilty of an offense.

Negative effects for students are also an issue for concern. In their research into the effects of sexual harassment on junior high school students in the US, Gruber and Fineran (2016, p. 112) report: “sexual harassment, which activates sexist and heterosexist stereotypes, erodes school engagement, alienates students from teachers, and adversely affects academic achievement, to a greater degree than bullying does.” This realization lies behind recent research initiatives here in east Asia such as the study by Yuan-Shan, Dih-ling, Hung-Shen, & Bai-Syuan (2012) in high schools in Taiwan, which found that over half of junior high school students had experienced sexual harassment within the previous year, and that this was a source of psychological distress. While similar studies are still lacking here in Japan, considerable amounts of survey data indicate that sexual harassment is prevalent in many workplaces, as well as in the field of language education. In a recent government survey (“A turning point,” 2016) 30% of employees in Japan reported being sexually harassed at work. Justice Ministry figures (Yamasaki, 2017) estimate that only 18% of cases of sexual harassment actually get reported to police (see Park, Park, Lee, & Moon (2013) for an account of why female college students in Korea are often reluctant to report sexual harassment).

Learning from the past: Future directions

In the United Kingdom, cultural differences have been identified as relevant in consideration for tolerance of sexual harassment. While 76 percent of Britons over age 65 saw wolf-whistling as harmless fun, only 32 percent of 18- to 24-year-olds agreed. Most respondents in the younger age group said wolf-whistling was “sexist and completely unacceptable.” (Tabary, 2017). Age differences may also be apparent in France, where one-hundred prominent French women, including actress Catherine Deneuve, published an open letter in *Le Monde* in January, 2018, to call for an end to extremist actions against alleged perpetrators of sexual harassment. While most of the signatories were women of the second wave of feminism generation, most of the criticism against them came from younger French feminists who call for more radical action to be taken against offenders. France's minister for equality between women and men, Marlène Schiappa - aged 35 - was not in favour of the co-signed letter. The 100, she said, had “trivialised” violence against women in a missive that “contained things that are deeply offensive and false”.

Masculinist cultures which exclude women from the political arena have also been identified as underpinning patterns of sexual harassment in various locales. For example, “Operation Anti Sexual Harassment,” an activist group in Cairo, Egypt, has been formed with the goal of preventing sexual harassment and assault, and in particular a repetition of the mass sexual assaults that occurred during protests and religious festivals. This is just one of several organizations that have begun to organize against sexual harassment of women in Tahrir since the 2011 revolution in Egypt.

The term “sexual harassment” did not become part of the national lexicon in the United States until the Clarence Thomas hearings of 1991, when an ex-work colleague from the Department of Education, Anita Hill, accused the Supreme Court nominee of persistent acts of sexualized verbal bullying. Hill’s testimony came close to denying Thomas the position (final vote of 52-48), as well as raising public awareness of sexual harassment issues. The same could be said for the “Monica Lewinsky affair” of 1998, but that case was not framed in terms of sexual harassment at the time when President Bill Clinton engaged in sexual acts with the White House intern. The affair involved a sitting president being extremely economical with the truth in a subsequent cover-up; Clinton almost had to resign following impeachment by the House of Representatives, but was saved by the Senate. Only since the rise of the “MeToo” campaign has Lewinsky spoken of the events as a type of sexual harassment. The campaign also had a striking effect on domestic politics within the United States. By the end of 2018, eighteen state lawmakers were facing allegations of sexual harassment. Many resigned, were removed from leadership positions, or received other sanctions that negatively affected their careers (Fifield, 2017). Other US lawmakers have also been embroiled in sexual harassment issues, most notably President Donald Trump who became infamous in October, 2017 with the release of the “Access Hollywood” tapes in which he boasts of acts of sexual harassment. The negative reaction was not sufficient to prevent Trump winning the election however, and one study, has noted an increase of sexual harassment in US society since his election. Other high-ranking politicians in the US such as Democratic Senator Al Franken, have been forced to resign in the wake of allegations made against them. The U.S. Congress, as an institution, paid \$17 million between the 1990’s and 2017 in settlements for sexual harassment and for discrimination. Not surprisingly, it has instituted mandatory sexual harassment training for all members of Congress and employees. A November, 2017 report on news channel CNN reported: “Two things have become painfully clear on Capitol Hill this week: Lawmakers and staffers say sexual harassment is

“rampant” – but even members of Congress have no idea just how widespread the problem is.” An additional problem in the US legislature is the lack of confidence in the organizational support system. Of people who have come to speak with representatives of the Congress Office of Compliance with stories of sexual misconduct in late 2017, almost 80% have chosen not to officially report the incidents. While some female politicians in the United States, such as senator Kirsten Jillebrand, have been prominent in translating “MeToo” campaign momentum into legislative reforms to tackle sexual harassment, others have sounded a discordant note. Former Secretary of State, Condoleezza Rice, in a January, 2018 CNN Interview, remarked: “Let’s not infantilize women” and “Women are not snowflakes” to argue in effect that the campaign against sexual harassment has gone too far: Women are not a monolithic class of powerless, perpetual victims. These considerations indicate the need to strike a balance between constructing women as a homogenous class of victims and understanding sexual harassment as a critical social problem which predominantly affects women in almost all cultural and social contexts.

The “MeToo” movement has not had such a noticeable effect on political life in Japan as it has had in the United States and elsewhere. However, in April 2018, the popularity ratings of the Abe administration were negatively affected by the forced resignation of Fukuda, Junichi the vice finance minister for administration. While the minister denied allegations from a TV Asahi employee, he felt he could no longer fulfill his duties due to the controversy caused by the affair in national mass-media outlets. The prevalence of allegations in other spheres of social life in Japan lie in contrast with the strength of legal provisions to penalize sexual harassment. In Japan, activists have also analyzed cultural factors to account for extensive tolerance for sexual harassment in workplaces and on public transportation. Huen (2007) argues that the reason why this problem is so extensive in workplaces here is due to societal attitudes of acceptance, with unhelpful gender stereotypes that construct sexual harassment as part of a “normal” workplace. Support for this assertion is found in a recent Mainichi Shinbun news article (Miura, 2017) which details the story of Ninomiya Saori who experienced sexual harassment from her boss twenty years ago and even today still suffers from PTSD due to the long-term effects of the abuse. She works in programs to reduce incidents of sexual assault in Japan, but feels that society still tends to lay blame and shame at the door of victims much more than that of perpetrators.

Final Reflections

While it may be an exaggeration to speak of sexual harassment as a taboo topic in educational contexts, it is certainly true that a great deal of work needs to be done within many educational institutions before the issue is addressed comprehensively as an issue that concerns all women and men, girls and boys in society. When organizations and schools provide clear guidelines and procedures, the task of seeking justice is made considerably easier, both for victims and for those who want to report inappropriate behavior. If we see students being silenced in our classes because of sexually suggestive or abusive comments or behaviors, we should intervene and follow the guidelines that are designed to protect vulnerable individuals. We should recognize those populations which are particularly vulnerable such as graduates who rely on the cooperation of a supervisor to complete their dissertations, first-year female students who are vulnerable to sexual assault at drinking parties, or those who are on study abroad in a country where they are unfamiliar with prevailing social norms such as respect for personal space. When work colleagues have been victimized, our practical and moral support may prove invaluable, especially if the victims feel reluctant to pursue justice and challenge the perpetrators. As educators and as decent human beings we should provide that support.

This paper has outlined the history of sexual harassment as a significant issue across the globe. It is a phenomenon endemic in cultures that display patriarchal or masculinist value orientations and societies that are imbricated in networks of global capitalism, which is to say, most parts of the world. Research indicates that sexual harassment affects stakeholders in education to an acute degree, but many hope that education may also provide a long-term answer by teaching young people to develop balanced personalities whose sexual expression integrates the principle of consent on a foundational basis. Engagement with the difficult issues raised by sexual harassment, however problematic, will remain a vital concern for all who share Pennycook's (2001, p. 10) commitment to critical educational interventions as an expression of "broader political and ethical visions that put inequality, oppression, and compassion to the fore."

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Sexual Harassment as a Global Society Issue

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