

Korea University Regulations on the Protection of Sexual Rights, the Prevention of Violations Thereof, and the Procedures Regarding the Violations

Approved
January 16, 2015
Center for Gender Equality

Chapter 1. Preamble

Article 1 (Purpose)

The purpose of these Regulations is to protect the sexual rights of all members of Korea University (hereinafter referred to as “the University”) and define necessary items to prevent sex trafficking and domestic violence.

Article 2 (Definition)

The terms and phrases used hereafter in the Regulation are defined as follows in clauses 2.1 through 2.9

2.1 The definition of “conducts that violate sexual rights” refers to sexual harassment, sexual violence, secondary victimization, and harassment based on gender and other related issues.

2.2 The definition of "sexual harassment" encompasses any verbal expression, request for sexual favors or other verbal or physical conduct, when such conduct has the effect of sexually humiliating, insulting or offending the person against whom such conduct is directed; or any act of using rejection of such conduct on the part of the person subject to it as a basis for negatively influencing the said person's academic or work environment, regardless of whether the conduct constitutes a sexual crime or not. The victim's rational and subjective judgment will form the basis that determines whether sexual harassment has been conducted. This definition is detailed as follows:

- ① Any nonconsensual verbal, psychological or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's right to sexual autonomy
- ② Any act that uses rejection of such conduct as described in Clause ① as a basis for academic evaluation, grades, research, employment decisions, or advancement

- 2.3 The definition of "sexual violence" refers to unlawful conduct as described by the Special Act on Punishment of Sexual Crimes (Republic of Korea, 성폭력 범죄의 처벌 등에 관한 특례법)
- 2.4 The definition of "secondary victimization" refers to any conduct that causes additional physical and psychological trauma to the victim through other means including the dissemination of details pertaining to the relevant incident or revelation of the identity of those related to the incident.
- 2.5 The definition of "gender and other issues" includes gender, gender identity, and sexual orientation.
- 2.6 The definition of "harassment based on gender and other related issues" refers to any conduct undertaken contrary to the victim's volition in relation to gender as well other issues that violates the dignity of the victim and/or others and creates or aims to create an intimidating, offensive and humiliating environment.
- 2.7 The definition of "victim" refers to the person whose sexual rights have been violated.
- 2.8 The definition of "alleged perpetrator" refers to the person who was reported to the Center for Gender Equality (hereinafter "Center") for violating sexual rights or is suspected of violating sexual rights on the basis of information received via channels other than reports submitted directly to the Center.
- 2.9 The definition of "those related to the incident" includes persons reporting the incident, the victim, the alleged perpetrator, and any witness(es) related to the incident.

Article 3 (Scope of Application)

- ① These Regulations pertain to all members who fall under the jurisdiction and authority of the Administrative Rules and Regulations of Korea University and the Articles of Association of the Korea University Foundation.
- ② The term "All members" described in Clause ① refers to all personnel working at Korea University including faculty members (including part-time and contractual lecturers and instructors), staff members (including those employed by contract or in service), students (undergraduate and graduate students) and third parties in performance of their duties on campus, as well as those who are on a leave of absence.
- ③ These Regulations shall apply to any and all investigations and procedures following any incident that constitutes a sexual rights violation when either (or both) the victim or (and) the alleged perpetrator is a (are) member(s) of Korea University.

Article 4 (Duty to Cooperate)

Related institutions within the University must cooperate with the Center's operations.

Article 5 (Detailed Enforcement Regulations)

Detailed enforcement regulations to facilitate the implementation of these regulations shall be set forth separately.

Chapter 2. Functions and Organization of the Center for Gender Equality

Article 6 (Primary Functions) The Center offers counseling and assists and facilitates remediation for victims of sexual rights crimes; investigates reported incidents; provides corrective education programs to perpetrators to prevent recurrence of offences; executes compulsory education programs to prevent sexual harassment, sexual violence, sex trafficking and domestic violence; and performs other functions related to these issues.

Article 7 (Organization)

- ① The Center shall be chaired by a director (hereinafter "Director") who shall represent the Center and oversee its general affairs.
- ② The Director's term of service is two years, and may be repeated.
- ③ The Center may hire professional counselors, administrative staff and assistants to support the mission of the Center. Other counselors may also be hired on a contract basis
- ④ The Center may open a branch office when deemed necessary.

Article 8 (Steering Committee)

- ① A Steering Committee shall be established to deliberate on related matters of the Center and act in accordance with the Director's advice and directives.
- ② Convocation of the Committee and its decision-making procedures shall comply with Paragraphs 1, 2 and 3 of Article 6 of the Regulations on the Establishment of Committees of Korea

Article 9 (Functions of the Committee)

The Committee shall deliberate on and determine the described in the following clauses.

9.1 Projects, operating plans and reports with respect to the Center

9.2 Legislation, revision and abolishment of these Regulations and other related regulations

9.3 Development of policies and execution of education programs that aim to protect sexual rights and promote gender equality within Korea University

9.4 Other important matters regarding the operation of the Center

Article 10 (Organization and Term of Service)

- ① The Director of the Center shall serve as the Chair of the Committee. As the representative of the Committee, the Chair shall oversee the operations and mission of the Committee.
- ② The Committee shall consist of 10 or more members, including the Chair and ex officio committee members.
- ③ Committee members shall be appointed by the Chair from among full-time faculty members, regular administrative members and students, and such appointments shall be reported to the President.
- ④ The ex officio committee members are as follows: Vice President for Academic Affairs, Vice President for Student Affairs and Vice President for General Affairs.
- ⑤ At least one half (50%) of the non ex officio Committee members shall be female.
- ⑥ The ex officio committee members' term of service shall be the duration of the term of their respective office, and the term of the other members shall be one year, and is subject to reappointment.

Article 11 (Financial Considerations and Operation)

Expenditures shall be made in accordance with the procedures and standards set forth by the Private University Accounting System for educational expenditures, and shall be audited accordingly under the University's audit regulations.

Chapter 3. Investigation of and Procedures Regarding Incidents that Violate Sexual Rights

Article 12 (Reporting and Incident Submission)

- ① The victim or an individual or party aware of the incident may report the case or cases to the Center.
- ② The Center shall provide immediate counseling services at the request of the victim(s), victim representatives and/or persons reporting the incident and shall provide all necessary information with respect to the investigation procedure and subsequent proceedings.
- ③ The Director of the Center or the senior counselor commissioned by the Director may interview those related to the incident to gather and verify facts about the case prior to the convening of the Investigation Committee.
- ④ Should the victim(s) wish to resolve the case outside of the hearing proceedings of the Investigation Committee and request arbitration, the Director or the professional counsellor commissioned by the Director may initiate the primary arbitration process for the reported case.
- ⑤ The Center shall not reinvestigate, without sufficient cause, cases that have been settled through arbitration.

Article 13 (Ex officio Investigation)

- ① Should the Center discover through a channel other than the route aforementioned in paragraph ① of Article 12 that a violation of sexual rights had transpired, and when it is deemed highly probable that further harm would ensue with a risk of unrecoverable damage in the absence of intervention, the Center has the ex officio authority to investigate and proceed with the incident.
- ② Any incident described in paragraph ① of Article 13 shall be pursuant to paragraphs ②, ③, ④ and ⑤ of Article 12.

Article 14 (Principle of Protection for Those Related to the Incident and Guarantee of Rights)

- ① During the investigation and/or the procedure following the sexual rights violation, the protection of the victim's human rights shall have utmost priority.
- ② During the investigation and/or the procedure following the sexual rights violation, the victim may seek the support of a representative (e.g., individual or party appointed by the victim to represent his/her rights).
- ③ The victim is entitled to state facts and opinions regarding the violation(s) suffered and express his/her opinion on the disciplinary actions and sanctions that may be imposed upon the alleged perpetrator.
- ④ All those involved in the Center's work are enjoined from publicly discussing or releasing any data or information that may potentially expose the identity of those related to the incident without their consent. However, exceptions shall be made where information or data are required to be submitted in related legal proceedings in order to remedy the violation of human rights or in situations that conform to this standard.

Article 15 (Investigation Committee)

- ① The Investigation Committee shall be established to investigate, deliberate upon and resolve incidents that violate sexual rights. In the event the Director perceives that an investigation or deliberation of an incident that violates sexual rights is warranted, the incident must be submitted to the Investigation Committee at the earliest possible date.
- ② The Chair of the Investigation Committee may also be the Director or a recommended third party. The Chair (hereafter "the Chair" refers to the Chair of the Investigation Committee) has the obligation to oversee the responsibilities and mission delegated to the Committee, and shall take necessary measures to ensure that individuals related to the incident receive a fair hearing.
- ③ The Investigation Committee shall consist of three or more members including the Chair. The Chair shall appoint members deemed capable of deliberating on and resolving the reported case in an impartial and professional. If necessary, a specialist external to Korea University may be appointed as a member of the Committee.

- ④ The Investigation Committee shall not consist exclusively of a single gender.
- ⑤ The Investigation Committee members' term of service shall commence when the Investigation Committee is summoned to resolve a case and terminate at the conclusion of the said case.
- ⑥ The Investigation Committee investigates and deliberates on the case allegedly committed by the alleged perpetrator, decides whether the act is a violation or not and decides whether to call for disciplinary or other procedural action, as well as other related matters.

Article 16 (Investigation Procedures)

- ① The Investigation Committee shall conduct its investigations in accordance with the paragraphs described herein:
 - 1. Requesting testimonies and submissions of written statements, and requesting those related to the incident to appear before it
 - 2. Requesting information from those related to the incident or administrative units deemed relevant to the investigation
 - 3. Ascertaining the reliability or validity of information or facts pertaining to those related to the incident and deemed relevant to the investigation
 - 4. Investigating the physical locations, facilities and materials acknowledged as being related to the investigation
- ② Anyone receiving a request to submit a written statement in accordance with 1.1 of Article 16 must submit the statement within seven days following receipt of the request. If the said person cannot submit the statement within the period due to an unavoidable cause, he or she must provide an explanation to the Center.

Article 17 (Investigation of Reported Incidents and Subsequent Proceedings)

- ① When the Center accepts an incident for investigation and the Investigation Committee begins formal investigation, the Center must inform the person reporting the alleged offense, the alleged perpetrator, and the victim about the investigation.
- ② Investigations of reported incidents shall be conducted promptly.
- ③ The Director must inform the outcome of the investigation to the victim and the alleged perpetrator.

Chapter 4. Disciplinary Actions & Sanctions

Article 18 (Sanctions)

- ① The Director shall impose upon the offender, upon determination that a sexual rights violation has taken place, the following sanctions pursuant to the investigation and deliberation of the Investigation Committee.
 - 1. Separation of victim from offender through a “no contact” or restraining order
 - 2. Mandatory completion of recurrence prevention education program

3. Restriction on access to Korea University facilities and services
4. Community service order
5. Other sanctions as necessary for the restitution of injury and prevention of recurrence
- ② The Director may impose sanctions set forth in paragraph 1.1 of Article 18 prior to the final decision of the incident by the Investigation Committee, if deemed necessary.
- ③ If the reported sexual rights violation is pursuant to paragraph ③ of Article 2, and conducting a compulsory investigation is warranted due to the urgency and gravity of the incident, the Director may exercise the discretion to immediately report the case to the police and file charges. Otherwise, the incident may be reported for criminal prosecution upon deliberation of the Investigation Committee members.

Article 19 (Disciplinary Actions)

- ① In the event the Investigation Committee, upon deliberation, decides that the reported incident was an offense that warrants punitive measures, the Director must submit the Investigation Committee's conclusion and deliberations regarding the disciplinary actions and request the appropriate Department of the University to activate disciplinary procedures.
- ② In the event the alleged perpetrator is not a member of Korea University, the Investigation Committee may request any institution concerned to investigate the reported incident, undertake disciplinary action or other necessary measures.

Article 20 (Aggravation of Penalty and Disciplinary Actions)

If an perpetrator falls within any of the subparagraphs below, the Director of the Center may elevate the degree of severity of disciplinary action determined by the Investigation Committee or request the disciplinary offices concerned for imposition of stricter or additional disciplinary measures.

- ① The perpetrator is a repeat perpetrator
- ② The perpetrator does not comply with the disciplinary action determined by the Investigation Committee and mandated by the Center
- ③ The perpetrator retaliates or threatens to retaliate against the reporter(s), victim(s), representative(s) or witness(es).
- ④ The perpetrator inflicts harms on the victim(s) or representative(s), witness(es) or reporter(s) through revelation of identity, defamation of character, or other acts of secondary victimization.
- ⑤ The perpetrator contacts the victim(s), representative(s), witness(es), or other related parties contrary to their wishes, or attempts to coerce them to withdraw the charge or settle the case.

Article 21 (Measures on the Third Party Interfering with the Investigation)

The Director may request disciplinary action or other sanctions determined by the Investigation Committee to those causing secondary victimization or third parties interfering

with the Center's investigations or obstructing the execution of the determined sanctions.

Article 22 (Aggravation of Penalty and Disciplinary Actions)

No individual or party shall be subject to dismissal, transfer, disciplinary action, unfair treatment or disadvantage in his/her position or treatment for reporting an incident to the Center or cooperating with the Center's proceedings as prescribed in these Regulations.

Supplementary Provision

Article 1 (Date of Enactment)

These Regulations shall enter into effect as of January 16, 2015.

Article 2 (Revocation of Regulation)

The Korea University Regulations on the Prevention of and Procedures Regulating Sexual Misconduct Including Sexual Harassment and Sexual Violence, approved on June 15, 2001 and last revised on October 10, 2006, shall be revoked on the same day that these Regulations take effect.

Detailed Rules for Enforcement of Korea University Regulations on the Protection of Sexual Rights, the Prevention of Violations Thereof, and the Procedures Regarding the Violations

Approved
January 16, 2015
Center for Gender Equality

Article 1 (Purpose)

The purpose of these Detailed Rules for Enforcement is to establish specifics of necessary measures to protect the sexual rights of all members of Korea University and prevent violations thereof in accordance with Article 5 of the **Korea University Regulations on the Protection of Sexual Rights, the Prevention of Violations Thereof, and the Procedures Regarding the Violations** (hereafter referred to as "the Regulations").

Article 2 (Protection of Persons Related to the Incident)

- ① The victim(s) has (have) the right to be accompanied by a supporter or an appointed representative when appearing before the Investigation Committee for a case procedure.
- ② Third-party reporters, the victim's representatives and witnesses shall be treated and protected in the same manner as the victim(s).
- ③ In principle, overall procedures for conducting the case shall not be publicized.

Article 3 (Reporting the Incident and Other Matters)

- ① Should the Center's professional counselor discover a sexual rights violation incident via reports from or counselling with the victim or a third person or party, that counselor must notify the Director within five days of learning the fact.
- ② The Center may request professional advice or receive support from on-campus or off-campus experts or related institutions when necessary reports or counseling, without revealing the identity of the victim.
- ③ The Center may record or videotape interviews for documentation.
- ④ The Director may request the relevant departments to execute the following

provisions to separate the victim from the alleged perpetrator, and otherwise protect the victim's rights for education as a member of Korea University.

1. Remove the alleged perpetrator who is a faculty member from teaching the course.
2. Change the victim's course schedule
3. Change the victim's academic advisor
4. Change the victim's station of duty when wished for by the victim
5. Other measures deemed necessary

Article 4 (Summons)

- ① When summoning those related to the incident, the Center shall explicitly inform communicants that they are involved in a sexual rights violation case. The Center may issue summons via telephone, or electronic mail, or text messages.
- ② In cases where the alleged perpetrator or otherwise concerned persons do not respond to the summons outlined in paragraph ① of Article 5, the Center may summon such person(s) via contents-certified post.

Article 5 (Obligations of Confidentiality)

- ① Any individual who is or has been involved in discharging the Center's functions and responsibilities is obligated to keep confidential all information acquired in the course of these procedures.
- ② All those related to the case or involved in the procedures of handling the case must exercise discretion and refrain from disclosing the identity of related persons and engaging in conduct that may lead to defamation of character of related persons or destruction of evidence until the case is closed.
- ③ If anyone involved in the incident requests access to documents of the said case, the Center may accommodate this request within the limits of related legal regulations. However, when such a request conflicts with the Center's obligation to protect the concerned parties' privacy or incurs the risk of obstructing the proper proceedings with regard to the case, or when other grounds arise to refuse the request, access may be limited or denied.

Article 6 (Financial Support for Securing Evidence Materials and Implementation of)

Financial support necessary for securing evidential data in the investigation process and urgent remedies for damages shall be provided within the Center's budget.

Article 7 (Arbitration)

- ① When arbitrating a case, before it is presented to an Investigation Committee, due to the victim's request or insignificance of the case, the Center shall, in accordance with both the victim's wishes and the severity of the case, arbitrate between the victim and the alleged perpetrator so that they may reach an agreement in a pacific and rational manner.
- ② The Center shall supervise and oversee whether the terms agreed upon through arbitration according to paragraph ① of Article 7 have been faithfully executed.
- ③ The Director of the Center may appoint a third party as arbitrator to intervene in the case, if necessary.
- ④ The Director may refer the case to the Investigation Committee in the event of discovery that the agreed conditions were not executed by the perpetrator.

Article 8 (Investigation and Deliberation by the Investigation Committee)

- ① The Investigation Committee shall explain its investigative procedures to any person in question and guarantee said person the opportunity to present an opinion or statement.
- ② In principle, an investigation and related deliberation must be concluded within 60 days; however, if necessary, the Committee may extend the period.
- ③ In the event that an individual other than the Director is appointed Chair of the Investigation Committee the Chair must inform the Director the outcome and conclusion of the Committee's investigation and deliberation.
- ④ The Investigation Committee may record or videotape meetings for documentation.

Article 9 (Removal or Recusal of Members)

- ① A member of the Investigation Committee shall be disqualified from deliberation and resolution of incidents in any of the following events.
 1. The member is a relative of an interested party.
 2. The member is or has been engaged as a representative of an interested party.
 3. The member's department or faculty is the same as that of the reporter, the alleged perpetrator or the victim.
- ③ A member may seek recusal from reported case if there are reasons, regardless of whether that member meets the provisions in paragraph ① of Article 9.

Article 10 (Disciplinary Actions and Sanctions)

- ① The Investigation Committee may request the imposition of disciplinary action and may also impose additional sanctions.
- ② The Center shall implement and supervise the corrective education programs for perpetrator, or may entrust off-campus experts with this program when necessary.
- ③ Perpetrators' community service mandated by the Center shall be performed at the organizations designated by the Center.
- ④ The Director may charge the alleged perpetrator all expenses incurred in the course of the entire proceedings as well as all expenses incurred to recover from damages suffered by the victim
- ⑤ The Director may recommend improvement or rectification of systems, policies or practices and make suggestions regarding appropriate remedial measures to the persons in charge of the institutions to which those related to the incident belong, when it is determined that a violation of sexual rights has occurred.

Article 11 (Consultation Allowance)

Consultation Allowance may be provided to the members of the Investigation Committee and off-campus experts within the Center's budget.

Article 12 (Documentation and Archiving)

The Center must preserve and archive all documents relating to the investigations, interviews and procedures of all sexual rights violation cases.

Supplementary Provision

Article 1 (Date of Enactment)

These Rules for Enforcement shall take effect on January 16, 2015.

Article 2 (Revocation of Regulation)

Detailed Rules for Enforcement of Korea University Regulations on the Protection of Sexual Rights, the Prevention of Violations Thereof, and the Procedures Regarding the Violations, approved January 1, 2003 and last revised October 10, 2006, shall be revoked on the same day that these Enforcement Regulations take effect.