

# Regulation on Preventing and Handling Sexual Harassment and Sexual Violence Cases

Team in charge: Counseling Center 1929

Established on Sep. 19, 2006 Regulation No.83

Amended on Sep. 19, 2019 Regulation No.265

Amended on Jan. 22, 2021 Regulation No.286

Chapter 1 General Provisions
Chapter 2 Sexual Harassment and Violence Counseling Office
Chapter 3 Committee Against Sexual Harassment and Violence
Chapter 4 Handling Procedure and Action Standard   ADDENDUM

## Chapter 1 General Provisions

### Article 1 (Purpose)

This regulation seeks to protect the members of Handong Global University (hereinafter referred to as "University") from sexual harassment and sexual violence, establish preventive measures to eradicate sexual harassment and sexual violence, and prescribe the necessary matters to protect the victims and handle their cases.

### Article 2 (Definitions)

1. Sexual harassment as used in this regulation refers to any of the acts that cause sexual shame or disgust regardless of whether or not such act constitutes a sexual crime. The criteria for sexual harassment shall be decided based on the victim's rational, objective point of view including the followings:
  - (1) Acts of infringing upon the sexual autonomy of individuals through verbal, mental, and physical sexual acts without the other party's consent
  - (2) Acts of placing one at a disadvantage in public life including school performance appraisal, hiring, or personnel management on the grounds of non-acceptance of the acts described in Item 1 or gender differences
  - (3) Acts of creating an unfair environment or discriminating based on gender differences
  - (4) A person involved in an act equivalent to sexual harassment and sexual violence and his/her sympathizer have caused considerable damage to the victim through mental threats, physical coercion, or other means.

2. Sexual violence pertains to the crime of sexual violence as specified in the Criminal Act or the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof.

### **Article 3 (Scope)**

1. This regulation shall apply to all members governed by the university regulation of the university and other related regulations (full-time faculty members, part-time faculty members, foreign faculty members, part-time lecturers, staff members (including those holding temporary positions), students (including students on leave of absence, exchange students, and foreign students), assistants, and researchers) and shall also apply when only one party of the offender, sympathizer, or victim belongs to the aforementioned members.
2. For the range of occurrence of sexual harassment or sexual violence, whether the incident took place inside or outside the campus is immaterial.

### **Article 4 (Principle of Protecting Victims)**

During the process of investigating, examining, and handling sexual harassment and sexual violence cases, the victim's human rights shall be protected as follows:

1. The victim shall not be placed at a disadvantage with respect to his/her social status during the process of handling the case provided he/she follows the handling procedure prescribed under this regulation.
2. The victim shall have rights to be accompanied by or appoint a representative during the handling of the case as well as rights to refuse to answer questions.
3. The victim may request for the necessary measures to protect human rights such as the participation or elimination of the specified persons during the investigation of the case, in which case the person in charge shall accede to such request unless in case of special reasons not to do so.

### **Article 5 (Guarantee of Secrecy)**

1. The person handling the sexual harassment or sexual violence case shall consider the protection of the victim, his/her representative, or the reporter above all else and shall refrain from disclosing or exposing to other persons any data that may reveal the identity of those unless their prior consent is obtained.
2. The person handling the sexual harassment or sexual violence case shall neither disclose nor expose to others any data that may reveal the identity of the offender or the reported person while the case is still being investigated.
3. Persons violating this regulation may be referred to the person with rights to take disciplinary actions as punishment.

## **Chapter 2 Shalom Center against Sexual Harassment and Violence**

### **Article 6 (Establishment)**

1. To receive sexual harassment or sexual violence cases effectively, provide counseling service to the victim, process the cases, and establish/enforce policies to eradicate sexual harassment and sexual violence, **Shalom Center shall be established.**
2. **The related works in the center are divided to Preventive Education, Psychological Support, Case Investigation, Support the member of committee against sexual harassment and violence.**

### **Article 7 (Duties)**

The center shall have the following duties:

1. Accepting reports on sexual harassment and sexual violence and providing related counseling services
2. Affairs related to the protection of sexual harassment and sexual violence victims and mental therapy
3. Investigating the received cases and reporting the results to the committee against sexual harassment and violence
4. Prevention of sexual harassment and sexual violence cases and related PR activities and education
5. Providing counseling services to offenders of sexual harassment
6. Establishing policies related to the prevention and handling of sexual violence cases
7. **Providing counseling services for health related to sex, pregnancy, contraception**
8. **Providing emotional(depression, anxiety, anger) counseling services related to sex**
9. **Data publication for preventive education of sexual harassment**
10. **Operating committee against sexual harassment and violence**
11. **Campaign progress related to sexual harassment at festival and event**
12. **Linkage support with professional advisor of psychology, medic, law**
13. Receiving materials related to sexual harassment and sexual violence from the committee against sexual harassment and violence and maintaining records related to the process of investigation and results

### **Article 8 (Composition)**

1. **The head of the center shall be concurrently assigned to school staff at least an**

**assistant professor.** To carry out its business, the center may have male and female full-time counselors (1 each).

2. Full-time counselors shall be appointed by the president from among professors who majored in counseling or who have earned master's or doctorate degrees or from among persons who completed sexual violence counselor courses in unavoidable situations.
3. If necessary for its operation, **the center** may have a few assistants.

### **Article 9 (Operation)**

Every year, **the center** shall establish detailed operation plans regarding sexual harassment prevention education, education schedule, contents, and methods.

## **Chapter 3 Committee Against Sexual Harassment and Violence**

### **Article 10 (Establishment)**

1. To prevent and handle sexual harassment and sexual violence cases, the university shall have the committee against sexual harassment and violence (hereinafter referred to as "committee").
2. The committee members shall perform the assigned duties based on the principles of trust and good faith.

### **Article 11 (Composition)**

1. The committee shall consist of **4** persons appointed by the president at the recommendation of the chairman (**the head of center**), committee against sexual harassment and violence of the counseling center, faculty members and staff members, and 1 student member. However, the ratio of males or females shall not exceed 7/10 of the total members.
2. Members holding appointed positions shall be organized according to the social status of the victim and the issue.
3. The student member shall be appointed by the president at the recommendation of the chairman from among the students recommended by the Student Government. The student member shall take part only in cases involving students.
4. The term of office of the key members shall be the same as their appointment period, and that of members holding appointed positions shall be decided separately by the president.
5. The committee shall have 1 coordinator who shall serve as a full-time counselor at the

Counseling Office.

6. The university chaplain may participate in the committee as an advisory member to provide spiritual support and counseling services.

### **Article 12 (Exclusion of the Member)**

A member shall not take part in the voting under any of the following cases:

1. The member or his/her current or former spouse is a party to the relevant case.
2. The member is – or was – a relative of the party to the case.
3. The member is – or was – involved in the relevant case as a representative of the party concerned.
4. The department where the member – excluding key members – belongs is involved in the relevant case.

### **Article 13 (Duties)**

The committee shall have the following duties:

1. Matters related to the establishment of appropriate sexual harassment and sexual violence prevention programs.
2. Matters related to the investigation of sexual harassment and sexual violence cases and arbitration
3. Protection of victims
4. Requesting for or proposing disciplinary actions to be taken against offenders
5. Other actions necessary to resolve the case

### **Article 14 (Meeting)**

1. The regular meeting shall be convened by the chairman once every semester for all members, and the special meeting, when requested by at least one third of the registered members, when **the center** requests for or reports on the handling of a case, or when deemed necessary by the committee chairman.
2. During the meeting, a quorum shall be declared when majority of the registered members are present. Resolutions shall be adopted by the vote of at least two thirds of the attending members.
3. In principle, the details of the meeting shall not be disclosed.

## **Chapter 4 Handling Procedure and Action Standard**

### **Article 15 (Reporting)**

1. An incident may be reported by the victim, his/her representative, or a third party. The reporting person shall be equally protected as the victim. However, the case cannot be investigated if the victim refuses an investigation.
2. An incident shall be reported in writing, via telephone or other communication means, or through visits.
3. Any campus institution other than **the center** receiving a report on a case or learning of such shall immediately transfer the case to **the center**.

### **Article 16 (Counseling)**

1. Upon receiving a report, **the center** shall immediately take appropriate measures so that the victim or his/her representative can receive counseling services or undergo an investigation in a free, proper environment.
2. In principle, a reported case shall be promptly investigated and processed.
3. **The center** shall take appropriate measures to protect the victim.
4. **The center** shall provide the details of investigation, measures to be taken, and other necessary information to the victim. Likewise, the counseling office may record and videotape the proceedings and prepare a report on the details of counseling with the consent of the victim.
5. **The center** shall investigate the reported case and submit a report to the committee and the chairman.
6. If the victim does not want the case handled by referring it to the committee against sexual harassment and violence but requests for arbitration directly from **the center, the center** shall arbitrate the case based on an unofficial arbitration procedure.

### **Article 17 (Investigation)**

1. The chairman shall promptly convene a committee meeting to handle any reported case.
2. The committee shall take all the necessary measures so that the parties to the case are subject to an investigation in a free, proper environment.
3. Based on the details of investigation carried out initially by **the center**, the committee shall summon the persons involved in the case (victim, offender, witness, etc.) to examine the merits of the case and determine whether or not the acts of the offender constitute sexual violence and sexual harassment.

4. The committee may receive the victim's statement in writing.
5. The committee shall provide the offender with an opportunity to submit materials or to express his/her opinions.
6. The committee shall not treat the offender unfairly during the process of investigation simply because he/she is reported as the offender.

**Article 17-2 (Ex Officio Investigation)** (newly established on Jan. 22, 2021)

For the protection of victims, the director of the center can conduct an investigation ex officio for any of the following cases, even when there is no report, only if it is deemed significant to investigate and handle the case.

1. When the identity of the victim can be verified and the fact that the victim has been damaged is clarified, but it is judged to be appropriate to conduct an investigation without receiving a report for the protection of the victim or his/her agent, etc.
2. In the process of the investigation, when it is concerned that the same kind or unspecified damages can be caused to a third party who has not filed a report or the fact that the similar damage has occurred due to the accused are discovered
3. In the process of the investigation, when it is recognized that the victim, the applicant, or a person concerned suffered secondary damage from a third party and it is deemed necessary that an investigation into the person who caused the secondary damage is required

**Article 18 (Disciplinary Actions)**

1. Even before the case is terminated, the committee may request that temporary actions be taken against the offender such as temporary leave or suspension from university.
2. If a case is decided to be an important one wherein the offender is subject to the punishment prescribed in the university regulation and other related laws, the committee shall submit to the president a request for disciplinary actions with the reasons for and opinions regarding the level of disciplinary actions to be taken. The person with the right to take disciplinary actions shall immediately convene a Disciplinary Committee meeting upon the request of the committee.
3. The committee shall report the results of investigation to the president and inform the victim and the reporter of the results.
4. In case of a need to take actions against the offender based on the results of the investigation, the committee may independently take the following actions:
  - (1) Post an open apology poster in the real name of the offender; if requested by the victim, or if such places the victim at a disadvantage, however, real names may be withheld in the open apology.

- (2) Order the offender to receive remedial training and complete sexual harassment and violence prevention counseling programs.
  - (3) Have the offender deliver a private letter of apology, a letter of self-examination, and a memorandum.
  - (4) Prohibit the offender from approaching victim, etc.
  - (5) Execute social works.
  - (6) Take other measures deemed necessary to resolve the case.
  - (7) If the offender discloses the identity of the victim and the reporter during the process of investigating the case, engages in acts of libel or places the victim or the reporter at a disadvantage, or fails as a repeat offender to follow the measures taken by the committee or tangibly or intangibly commits retaliatory acts, the committee may request for or propose weighted punishment.
5. Persons who aided the offender in sexual harassment and sexual violence, persons who interfere with the reporting by the reporter, and abettor giving false evidence may also be punished.
  6. If the offender is an outsider, punishment may be requested by contacting the organization where the offender belongs.

### **Article 19 (Reexamination)**

1. Persons who have objections to the results of the disciplinary actions taken by the committee may request for a reexamination within 10 days of receiving the notice of the disciplinary action taken.
2. Upon receiving a request for reexamination pursuant to Clause 1, the committee shall reexamine the case and make a decision again. In unavoidable situations, however, the reexamination period may be extended by not more than 30 days.

### **Article 20 (Bylaws and Internal Regulations)**

The detailed bylaws and internal regulations required to enforce this regulation may be prescribed separately.

### **Article 21 (Application)**

Matters other than those stipulated in this regulation shall be governed by the provisions of related laws, university regulation, and other regulations.



**ADDENDUM**

This regulation shall enter into force as of September 19, 2006.

**ADDENDUM**

This regulation shall enter into force as of September 19, 2020.

**ADDENDUM**

This amended regulation shall enter into force as of January 22, 2021.