Regulations on the Prevention and Handling of Sexual Harassment and Violence

Established Sep. 1, 1999
Amended Jan. 1, 2010
Amended Jun. 1, 2015

Article 1 (Purpose) These regulations aim to protect POSTECH members from sexual harassment and violence, set forth necessary matters concerning actions to eradicate sexual harassment and violence, and stipulate organization and operation of the Sexual Harassment & Violence Counseling Office

Article 2 (Definition) The terms used in these regulations shall be defined as follows:
1. Sexual harassment, whether it constitutes criminal sexual conduct or not, refers to any behavior that causes sexual mortification or repugnance the determining factors of which are left to the discretion of the victim as a rule, and includes the following:
   A. An act of infringing on the right to sexual self-determination of an individual through non-consensual sexual behaviors, solicitation for sexual favors and other verbal, mental or physical acts
   B. An act of placing a person at a disadvantage in terms of academic performance, employment, or personnel affairs, because of his/her refusal of the behavior described in Item 1 or because of his/her gender
   C. An act of creating an unfair environment based on a person’s gender
   D. An act of causing harm to the victim by means of mental intimidation, physical coercion, or any other means as an accomplice to the person whose act is deemed sexual harassment
2. Sexual violence refers to criminal sexual assault pursuant to the Criminal Act and the Act on the Punishment of Sexual Crimes and Protection of Victims.
3. Persons involved in the case refer to both the victim and the person against whom the report has been made.

Article 3 (Application Scope) These regulations shall apply to any and all persons governed by the Statutes including students (including students on leave of absence and exchange students), professors (including part-time lecturers, foreign professors, and foreign lecturers), staff members (including contract staff members), and researchers. These regulations also apply when either a victim or a person against whom a report has been made corresponds to a person specified in the foregoing.

Article 4 (Duty of the President of the University) The President of the University shall take and implement necessary actions for preventing and handling sexual harassment and violence on campus, such as preventive education on sexual harassment and violence, establishment and operation of a department in charge, etc.

Article 5 (Sexual Harassment and Violence Counseling Office) ① The University shall establish and operate the sexual Harassment and Violence Counseling Office (hereinafter referred to as “the Counseling Office”) within the POSTECH Counseling Center for the purpose to investigate and handle sexual harassment and violence incidents and establish and implement policies designed for rooting out sexual harassment and violence.
② The steering committee shall be in place in the Counseling Office; it shall be responsible for establishing guidelines for counseling for sexual harassment and violence and other important matters.
③ A counselor with professional knowledge and experience in sexual harassment and violence may be hired
④ The head of the counseling section of the POSTECH Counseling Center may hold the position of head of the Counseling Office.
⑤ The head of the Counseling Office shall manage matters concerning the management and operation of the Counseling Office as ordered by the Director of the POSTECH Counseling Center.
To achieve the purpose described in Article 1, the Counseling Office shall perform the following tasks:
1. General tasks concerning the management and operation of the Counseling Office
2. Receipt of reports of sexual harassment and violence and provision of counseling
3. Investigation of incidents of sexual harassment and violence
4. Education and publicity to prevent sexual harassment and violence
5. Tasks concerning the protection and provision of medical treatment for victims of sexual harassment and violence
6. Tasks concerning the education and management of perpetrators of sexual harassment and violence
7. Establishment of policies related to the prevention and handling of sexual harassment and violence
8. Other matters arising in connection with the aforesaid clauses

Article 6 (Sexual Harassment & Violence Committee) ① The Sexual Harassment & Violence Committee (hereinafter referred to as the “Committee”) shall consist of no more than 11 members including the Chair; the number of persons belonging to one gender may not exceed 70% of the members.
② The Provost & Executive Vice President shall serve as Chair and the Director of the POSTECH Counseling Center shall serve as Vice Chair. The Vice President of Academic Affairs, Vice President of Admissions and Student Affairs, Vice President of Business Affairs, Male Housing Director, Female Housing Director, and the Director of Student Affairs shall serve as ex officio members of the Committee. (Amended June 1, 2015)
③ The Committee members shall be commissioned by the Provost & Executive Vice President from among those falling under any of the following, and the term of office shall be two years. Depending on the status of the persons involved in the case, however, additional members may be appointed:
1. Faculty member of POSTECH at the rank of Assistant Professor or higher
2. Full-time staff member of POSTECH at the rank of Director or higher
3. Other persons with professional knowledge and experience in the incident-related area
④ In case a member is not expected to fairly review and make reasonable judgment of the victim and the person against whom a report has been made, a request for the exclusion of the member in question can be made to the Committee, and the Chair must replace the member accordingly. If the Chair is the subject of exclusion, a member shall be designated to act on behalf of the Chair.
⑤ The Committee shall handle the following tasks:
1. Investigation and mediation of sexual harassment and violence incidents
2. Request or proposal for disciplinary action against the perpetrator
3. Other actions required for the adequate resolution of the incident

Article 7 (Report) ① An incident report shall be made to the Counseling Office by the victim, his/her representative, or a third person.
② An incident report shall be made in writing, by telephone, in person, etc.
③ Any report received by agencies within the school other than the Counseling Office such as representative organizations for professors and staff members, student council, women’s organization within the school, etc., must be immediately transferred to the Counseling Office.

Article 8 (Procedure for Handling Incident) ① The Director of the POSTECH Counseling Center must take any and all actions available so that the persons involved in the case may be investigated in a free and fair setting.
② The head of the Counseling Office must provide counseling service at the request of the person who reported and provide him/her with the necessary details on the procedure based on which the incident is to be handled, the handling method, etc.
③ An incident may be handled either formally or informally depending upon the wishes of the victim
④ If a victim wants a formal handling procedure, the Director of the POSTECH Counseling Center must discuss with the Chair of the Committee; the Chair of the Committee may hold the
Committee if assumed necessary for impartial treatment of the incident. (Amended June 1, 2015)

5 Prior to the meeting of the Committee, the Director of the POSTECH Counseling Center or the head of the Counseling Office to whom authority was delegated by the Director of the POSTECH Counseling Center may summon the victim, the person against whom the report has been made, and any and all persons related to the incident for a meeting to confirm the authenticity of the case and understand the circumstances around the incident.

6 (Deleted June 1, 2015)

7 The investigation and handling of the reported incident shall be processed as promptly as possible and within a maximum period of two months. If necessary, however, the Chair of the Committee may extend the period by up to 30 days.

8 A decision shall require the majority vote (at least two-thirds) of a quorum of the majority of all incumbent members.

Article 9 (Obligation to Protect Victims and Confidentiality)

1 A victim may request the involvement or exclusion of a specific person or other actions necessary for the protection of human rights during the process of handling the incident; the person handling the sexual harassment and violence case must accept such a request, unless there is a justifiable reason for not doing so.

2 The person handling a sexual harassment and violence case must prioritize the protection of the victim and shall refrain from making public or disclosing any data that may cause the exposure of his/her identity without obtaining his/her consent.

3 The person handling a sexual harassment and violence case must neither make public nor disclose any data that may expose the identity of the person against whom a report has been made through a channel other than a reasonable reporting procedure without his/her consent until the investigation of the incident ends and the handling method is decided.

4 If a person who was involved in the handling of a sexual harassment and violence incident discloses the identity the persons involved in the case or details of the incident without the consent of the victim, disciplinary action may be taken accordingly.

Article 10 (Disciplinary Action)

1 In case the incident constitutes a basis for disciplinary action as determined by the applicable law and the school regulations as a result of the investigation of the Committee, the Chair of the Committee shall request a review on disciplinary action from the committee depending on the status of the person in question by providing the reason and his/her opinion as to the type and degree of disciplinary action. However, if the Chair of the Committee assumes investigation or review by the Committee is unnecessary because the existence of basis for disciplinary action is objectively evident for person against whom a report has been made, such as being founded suspicion of crime as a result of confession or convicted of a criminal case, the Chair of the Committee may refer the incident to the Committee based on the status of the party concerned without going through investigation or review of the Committee for the incident. (Amended June 1, 2015)

2 If the incident is a minor one that does not correspond to a reason for disciplinary action, the Director of the POSTECH Counseling Center may determine bylaws of the Counseling Office, which specifies actions for self-examination on the part of the person against whom the report has been made, such as submission of letter of apology, etc.

3 If the person against whom a report has been made is a second offender, or has retaliated against the victim or his/her representative, he/she may be subject to harsher disciplinary action.

4 If any of the persons involved in the case has any objection to the investigation and decision of the Committee, he/she may request -- within 10 days of receiving the result of the Committee -- the Committee to review the case again.

Article 11 (Detailed Rules of Operation) The Director of the POSTECH Counseling Center may establish detailed rules necessary for the operation of the Counseling Office based on a decision made by the Steering Committee.
Addendum
These amended regulations shall be established and take effect on September 1, 1999.

Addenda
1. (Enforcement Date) These amended regulations shall take effect on January 1, 2010.
2. (Interim Measures) Any and all matters that are underway at the time of amendment of these regulations shall be governed by the previous regulations.

Addendum
These amended regulations shall be amended and take effect on June 1, 2015.