

# Regulations on the Prevention and Handling of Sexual Harassment and Violence

Established Sep. 1, 1999  
Amended Jan. 1, 2010  
Amended Jun. 1, 2015  
Amended Dec. 22, 2017

**Article 1 (Purpose)** These regulations aim to establishing a fair and safe academic community of the University by stipulating matters concerning management and guidance of the wrongdoer, management and operation of the Sexual Harassment Counseling Office, victim protection, and recurrence prevention education and counseling in order to prevent and eradicate sexual harassment and violence in POSTECH (hereinafter referred to as the “University”).

**Article 2 (Basic Principles)** ◊ The academic community must aim for gender equality and no one shall conduct acts such as creating an unfair environment based on gender differences.

◊ Sexual harassment and sexual violence prevention must be done in a way that all members of the University can feel comfortable.

◊ Resolution of sexual harassment and sexual violence cases must be done in a manner that respects the victim’s will as much as possible.

◊ The information, such as the victim’s personal identity, must be kept strictly confidential except for the purpose of resolving the case.

**Article 3 (Definition)** The terms used in these regulations shall be defined as follows:

1. The term “sexual harassment” refers to any act that causes sexual humiliation, shame, or repugnance, regardless of whether a crime has been committed, 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 A or because of his/her gender
  - C. An act of increasing the damage as an accomplice to the acts that constitute sexual harassment.
2. The term “sexual violence” refers to the act of sexual violence pursuant to the Sexual Violence Prevention and Victims Protection Act.
3. The term “victim” refers to any person who has been subjected to sexual harassment and sexual violence.
4. The term “informant” refers to a person who has reported to the Counseling Office about sexual harassment and violence charges of a specific person.
5. The term “respondent” refers to any person who has been reported as having been charged with sexual harassment and violence.
6. The term “offender” refers to a person who is found to have committed sexual harassment and violence through investigation of the Counseling Office.
7. The term “party” refers to the victim, the respondent, or the offender. If the person who is not the victim has filed a complaint in the Office, the informant shall be excluded.
8. The term “manager” refers to a school faculty/staff member who is in charge of a position in a department, a research institute, or other department in the school; A faculty who is an advisor of a student in relation to the student guidance shall be considered to be in managerial position of the student in accordance with these regulations.
9. The term “relevant person” refers to the person who is subject to the investigation of the Counseling Office for the investigation and treatment of the case as the person possesses information on the facts and circumstances of particular cases, direct and indirect experiences, information on the parties involved, and witnesses.
10. The term “relevant department” refers to the department related to the work such as investigation and treatment of the case of the Counseling Office, including the department of the relevant person.
11. The term “secondary damage” refers to the additional damage occurred to the victim after the occurrence of sexual harassment and violence by a third party or the respondent, and it shall include the following:
  - A. The act of retaliation by the respondent to the victim or the informant.
  - B. The act of manager concealing the sexual harassment and violence damages despite knowing of the

damages.

- C. The act of defaming a victim or informant by unnecessarily disseminating the fact or false information of the victim, informant, or the case, or insulting by unnecessarily criticizing the victim or informant.
- D. The act of putting a psychological burden to a victim, etc. regarding reporting of a case by conciliating the victim or informant, etc.
- E. The act of causing harm to the victim or informant for reasons of reporting the sexual harassment and violence damages, or taking unfair measures, etc. without justifiable reason.

**Article 4 (Application Scope)** ① These regulations shall apply to the University members, and the University members shall consist of the following:

- 1. Students (including students on leave of absence, exchange students, and research students in accordance with Subparagraph 2 of Article 22 of Statutes of the Graduate School of Pohang University of Science and Technology)
- 2. Faculty members (including part-time lecturers)
- 3. Staff members (including temporary workers such as temporary contractors, etc.)
- 4. Researchers
- 5. A person who performs business within the University pursuant to a contract concluded with the University or affiliated organization.

② These regulations also apply when either a victim or a respondent is subject to the Subparagraph 1, to the extent not inconsistent with the nature of the case.

**Article 5 (Duty of the President of the University)** The President of the University must provide sexual harassment and violence prevention education, encourage completing the education, support the operation of the Counseling Office, and actively implement the measures for sexual harassment and violence.

**Article 6 (Sexual Harassment Counseling Office)** ① The University shall have the sexual Harassment 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 and an advisor with professional knowledge and experience in sexual harassment and violence may be hired.

**Article 7 (Sexual Harassment & Violence Prevention Education)** ① A University member must complete the sexual harassment & violence prevention education (hereinafter referred to as “prevention education”) every year.

② A newly hired non-tenured faculty must submit the completion certificate of the prevention education within 14 days of recruitment.

**Article 8 (Report)** ① In principle, an incident shall be investigated and treated following a report.

② An incident report shall be to the Counseling Office by the victim or the person with knowledge of the damages.

③ Any report received by agencies within the school other than the Counseling Office or faculty and staff members must be immediately transferred to the Counseling Office.

④ A report must be made within 3 years of the occurrence of the incident. However, if there is a justifiable reason, it shall be counted from the day when the cause disappears.

⑤ Notwithstanding the Clause 4, a report shall be made within 5 years of the occurrence of the report cause in the case of sexual harassment and violence by a faculty member.

⑥ The informant may withdraw the report until the deliberation result by the Sexual Harassment & Violence Committee or the investigation result of an incident not referred to the Committee is notified. If the report is taken back, the same incident cannot be reported again.

**Article 9 (Dismissal of Report)** ① The Director of the POSTECH Counseling Center shall dismiss a report if any of the following:

- 1. If the informant does not fall under the person who can report under Article 8 Clause 2
  - 2. If it is clear that the victim does not want to investigate the case reported by a person other than the victim
  - 3. If the report is clearly false or unfounded
  - 4. If the respondent cannot be identified by the reported content
  - 5. If the period under Article 8 Clause 4 or Clause 5 has been exceeded
  - 6. If it is clearly inappropriate to proceed with the proceedings
- ② Notwithstanding Clause 1 Subparagraph 2, if it is necessary to decide whether to punish the respondent

for educational purposes in light of the seriousness and clarity of the allegations and the degree of repentance of the respondent, the Director of the Counseling Center must explain to the victim at least once the necessity of the discipline, etc. and reconfirm.

③ Notwithstanding Clause 1 Subparagraph 4, if the necessity of protection of the victim is recognized in view of the seriousness and clarity of the damage, the Director of the Counseling Center may take necessary measures to protect the victim despite the dismissal of report.

**Article 10 (Ex Officio Investigation)** The Director of the Counseling Center may initiate the investigation by his/her own authority even when there is no report, only when the necessity of investigation and treatment of the case is prominent for the protection of the victim.

**Article 11 (Temporary Victim Protection Measures)** ① The Director of the Counseling Center may request the respondent or the head of the relevant department to perform the following measures if necessary for the protection of the victim even before the resolution of the Committee.

1. Immediate suspension of activities that may cause or cause secondary damage
2. Detachment of the respondent from legitimate occupation space such as the victim's residence, office, laboratory, lecture room, etc., and contact prohibition
3. Other matters necessary for the safety of the victim

② The respondent, the head of the relevant department, etc. must comply with the request immediately upon receipt of a request from the Director of the Counseling Center pursuant to Paragraph 1, unless a justifiable reason exists.

③ If the Director of the Counseling Center acknowledges as stipulated in Paragraph 1, even during the semester, he/she may request academic measures to the President of the University or head of relevant departments for the separation of space with the victim such as changing and transferring a course of the respondent to a different schedule of the same course, etc.

④ In the case where it is deemed difficult to take the academic measures pursuant to Paragraph 3, the President of the University and the head of relevant departments must take other appropriate measures for the protection of the victim.

⑤ In the event that a respondent violates the victim protection measures pursuant to Paragraphs 1 and 3 in an intentional or gross negligence, the Committee, subject to the status of the respondent, must take this into account for the aggravating reason for disciplinary action.

⑥ An informant, even if he/she is not a victim, may be entitled to the protective measures prescribed in the items of Paragraph 1 if necessary.

**Article 12 (Procedure for Handling Incident)** ① The Director of the POSTECH Counseling Center must take necessary actions so that the party and relevant 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 a victim.

③ The Counseling Office must provide necessary information to the parties in an appropriate method, including the investigation and treatment procedures, results of the investigation (limited to cases not referred to the Committee), or deliberation and resolution result of the Committee, etc.

④ If a victim wants a referral of the case to the Committee, the Director of the POSTECH Counseling Center must discuss with the Chair of the Committee; the Chair of the Committee must hold the Committee if assumed necessary for impartial treatment of the incident.

⑤ An advisory member may participate in the investigation by receiving orders from the Director of the Counseling Center.

**Article 13 (Right of the Party)** ① A party concerned may notify the Director of the Counseling Center in advance and may accompany an agent, etc. to the investigation procedure, etc.

② A victim shall possess the right to state the facts of the damage and the opinions on disciplinary action and treatment against the respondent.

③ A respondent must be given a sufficient opportunity to call and the right to reject the statement.

**Article 14 (Period of Investigation and Treatment)** ① In principle, the investigation and handling of the reported incident shall be processed as promptly as possible and within a maximum period of 90 days.

② When an investigation agency possessing a legal right to investigate is investigating or probing into a case, it may not proceed with the investigation and processing procedure. The period during which the proceedings are suspended shall not be inserted in the period referred to in Paragraph 1.

**Article 15 (Method of Investigation)** ① The Counseling Office may investigate the parties or relevant persons by requesting attendance, listening to a statement, requesting a statement, and other appropriate methods.

② The parties and relevant persons must respond in good faith to the investigation and submit a statement within 10 days of the request for submission of statements in accordance with Paragraph 1.

**Article 16 (Obligation to Protect Victims and Confidentiality)** ① 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.

② The person handling a sexual harassment and violence case must neither make public nor disclose any data that may expose the identity of the respondent through a channel other than a reasonable reporting and handling procedure without his/her consent.

③ In the event of disclosure or leaking of data relating to an identity in violation of Paragraph 1 or 2, the Disciplinary Committee based on the status of the person must discipline the person concerned.

**Article 17 (Composition of Sexual Harassment & Violence Committee)** ① The Sexual Harassment & Violence Committee (hereinafter referred to as the “Committee”) shall consist of no more than 9 members including the Chair; it should include at least 30% of female members to ensure a balanced gender ratio.

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, and Vice President of Business Affairs shall serve as ex officio members of the Committee.

③ The Committee members shall be commissioned by the Provost & Executive Vice President in consultation with the Vice Chair from among those falling under any of the following, and must include a person under Paragraph 3 or 4.

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. A person who has been or is equivalent to an assistant professor at a university or an accredited research institute, and who has studied a subject related to the prevention or treatment of sexual harassment and violence, or majored in a subject related to the law

4. A person qualified as a lawyer

5. Other persons with professional knowledge and experience in sexual harassment and violence prevention and treatment area

④ The term of a member other than an ex officio member including the Chair and Vice Chair shall be two years and may be reappointed

**Article 18 (Meeting of Sexual Harassment & Violence Committee)** ① The Committee shall handle the following tasks:

1. Deliberation of investigation results of a case by Counseling Office

2. Suggest appropriate solutions for a case such as arbitration, etc.

3. Request or proposal for disciplinary action against the offender

4. Determination of matters stipulated in Article 20 Paragraph 1, Article 21, and Article 22 Paragraph 1 to 3

② A decision shall require the majority vote of a quorum of the majority of all incumbent members, and decisions on a request for disciplinary action or initiative on an offender require a vote of 2/3 or more of the attendance.

③ 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 decide whether or not to accept the request.

④ If the applicant pursuant to Paragraph 3 is the Chair of the Committee, the Vice Chair must decide whether or not to accept the request; if the Vice Chair decides to accept it, the Vice Chair shall act as the Chair for the case.

⑤ The results of the deliberation by the Committee shall not be reviewed again.

**Article 19 (Request for Disciplinary Action)** ① In case the incident is one of the following, 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. In the case of Item 2 or 3, the disciplinary request may not be separately requested, and its severity may be increased in the disciplinary request for the original case.

1. When the Committee finds as a result of deliberation and resolution that the reason for the respondent's disciplinary action is prescribed by legislation, statutes of the University, and other regulations.

2. When the respondent violates the victim protection measures under Article 11 by intentional or gross negligence.

3. When the respondent retaliates or unfairly disadvantages the victim, the informant, or the relevant person in connection with the report or investigation of the incident.

② The Chair of the Committee must, when any of the following cases is confirmed, request the review of disciplinary action to the Committee based on the status of the party concerned, with opinions on reason and

weight of disciplinary action attached.

1. If any person causes the secondary damage prescribed in Article 3 Paragraph 11.
2. If any person interferes with the investigation of the case and the victim's relief.
3. If any person has caused harm has brought about concerns to members of the Counseling Office regarding the report and investigation of a case.
4. If any person makes a false statement or submits a false evidence to the Counseling Office or the Committee for the purpose of harming others.

③ If the respondent is found to have committed the same or similar sexual harassment and violence, the weight of disciplinary action shall be increased when requested.

④ If the respondent acknowledges the allegation or has been convicted by a judicial authority, the Chair of the Committee may refer the incident to the Committee based on the status of the party concerned without calling a meeting of the Committee.

#### **Article 20 (Access Restriction and Prohibition, and Preparation and Maintenance of the List of**

**Offenders)** ① Considering the need for protection of victims, the Committee may decide to restrict an offender's access to or use of a specific space within the University within a period of two years or less, and to prohibit access or use within a period of six months or less. However, the Committee must be careful not to restrict the rights of the offender more than necessary.

② The Chair of the Committee must prepare and maintain a list of offenders for continuous management such as education, counseling, etc. and guidance. However, the list of offenders shall not be disclosed without justifiable reason except for the members of the Committee.

③ If 10 years have elapsed since the graduation of the offender, the description of the list of the offender shall be deleted.

**Article 21 (Holding a Pledge Meeting to Prevent Recurrence of the Offender)** ① The Chair of the Committee must hold a pledge meeting to prevent recurrence of the offender (hereinafter referred to as "pledge meeting") in which the offender is present within 14 days after the review and resolution process of the Committee for the case is completed (except for disciplinary action instances of expulsion, dismissal, or removal).

② In cases where a decision is made not to be referred to the Disciplinary Committee at the Committee meeting, but the case is recognized, the Committee must decide on the schedule of the pledge meeting at the time of deliberation and resolution of the Committee.

③ The Director of Counseling Center may hold a pledge meeting if the case is deemed unnecessary to refer to the Committee but is recognized except in accordance with Article 19 Clause 4.

④ The pledge meeting shall be held only when there is no obvious objection of the victim.

⑤ The offender must submit a pledge to prevent recurrence to the pledge meeting.

**Article 22 (Management and Guidance of Offender)** ① The Committee may order the offender to complete the recurrence prevention education through an external professional educational institution, etc. within a period of 60 hours. At this time, the expense must be borne by the offender in principle, and the offender must report to the Director of the Counseling Center without delay after completing the course.

② The Committee may order the offender to perform a volunteer service within a period of 80 hours. The offender must report to the Director of the Counseling Center without delay after completing the service.

③ The selection of the offender shall be excluded in the selection of matters specified in the following within the range of 2 years or less from the date of the Committee meeting. The Committee must determine the expiration of the selection exclusion at the time of the deliberation and resolution.

1. Scholarship benefits
2. Candidate for in and outside school awards
3. Student's external or public activities
4. Domestic and international exchange student

④ The Department Head of the offender's department must conduct educational counseling at least twice a year to prevent recurrence until the offender graduates.

**Article 23 (Exception etc. of the Committee Decision)** ① In the case a case is referred to the Committee without convening a meeting pursuant to Article 19 Clause 4, the Chair of the Committee must, with the consent of members, decide on matters specified in Article 18, Clause 1, Paragraph 4.

② Notwithstanding Article 18 Paragraph 5, the Committee must re-evaluate and determine the matters set forth in Article 18 Clause 1 Paragraph 4 only if it has requested a disciplinary action pursuant to Article 19, but the Disciplinary Committee has decided not to discipline the respondent due to the discovery of new evidence or for any other reasons.

**Article 24 (Cooperation Duty of Relevant Department)** A relevant department in school must cooperate with

the Counseling Office and the Committee.

**Article 25 (Disadvantage Ban)** No one shall be penalized for dismissal, transference, discipline, unfair treatment, or any other status or treatment just because he/she submits or answers a report, statement, testimony, document, etc.

**Article 26 (Bylaws and Operating Rules)** ① The Director of the Counseling Center may set appropriate measures as internal rules of the Counseling Office to induce improvement of the awareness and attitude of the respondent for minor cases that do not fall under the disciplinary grounds.

② The Director of the POSTECH Counseling Center may establish detailed rules necessary for the operation of the Counseling Office, and investigation and treatment of the case 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.

### **Addendum**

These amended regulations shall be amended and take effect on December 22, 2017.