

Seoul National University Human Rights Center Regulations

*This is an English translation of the original regulation in Korean. This English translation is intended for reference purposes only and does not have the authority that the original Korean regulation has.

Chapter I. General Provisions

Article 1 (Purpose)

The purpose of the regulation is to define all matters in the organization and operation of Seoul National University Human Rights Center, established in accordance with Article 23 (3) of the Seoul National University Rule to protect human rights, to promote rights and benefits of all members of Seoul National University.

Article 2 (Definitions)

The terms used herein are defined as follows:

1. The term “human right” refers to human dignity, worth, freedom and rights that are guaranteed by the Constitution and Acts of the Republic of Korea, international human rights treaties that the ROK ratified, and the international customary laws. These rights include the right to be free from verbal/physical abuse and discrimination that violates the right to equality.
2. The term “sexual harassment” refers to any act which causes a sense of sexual humiliation, shame, or aversion, regardless of whether the said act constitutes a sexual offense under the Criminal Act of the Republic of Korea. This includes, but is not limited to, the following acts:
 - (a) Infringing upon the sexual freedom of an individual through verbal, psychological, and/or physical acts like demanding sexual acts without a consent;
 - (b) Disadvantaging or seeking reprisal against an individual in academic assessment, employment, and/or personnel management on the basis of gender discrimination or on account of the said individual's rejection to the demands described in subparagraph (a);
 - (c) Creating unfair environments on the basis of gender; and
 - (d) Inflicting considerable harm upon the complainant through psychological intimidation, physical coercion or other such acts by those who sympathize with the harasser
3. The term “sexual assault” means a sexual assault as defined under the Act on the Prevention of Sexual Assault and Protection of Victims.
4. The term “petition for grievances” means a petition concerning matters infringing on the interests of, or giving any inconvenience or burden to, members of Seoul National University (SNU), originating/resulting from any unlawful, unreasonable active or passive disposition of SNU(acts of commission or omission by SNU); or a complaint about conflicts and disputes between members of SNU.

5. The term “violation of human rights” refers to sexual harassment, sexual assault, other violation of human rights, and any act which infringes rights and interests of, or causes inconvenience or burden to members of SNU.
6. The term “victim” means a person who has suffered from a violation of human rights.
7. The term “offender” means a person who committed a violation of human rights.
8. The term “complainant” means a person who submitted a report of human rights violation or a petition.
9. The term “respondent” means a person who is appointed as an offender by the complainant.
10. The term “party concerned” denotes the victim, the offender, the complainant and the respondent.
11. The term “relevant office” refers to all departments and offices related to the duties of the Seoul National University Human Rights Center including the department with which the concerned parties are affiliated.
12. The term “members of Seoul National University” refers to any individuals subject to the bylaws, the regulations, and the rules of Seoul National University, including students, faculty, and staffs.

Article 3 (Applicability)

This regulation applies to all individuals affiliated with Seoul National University, as well as in cases where this clause applies to only the victim or the complainant.

Chapter II. Organization of Human Rights Center

Section 1. Organization

Article 4 (Organization)

- (1) Seoul National University Human Rights Center (hereinafter, "SNU HRC") shall be composed of the Sexual Harassment and Violence Counseling Line (hereinafter, "SHVCL"), the Human Rights Counseling Line (hereinafter, "HRCL"), the Human Rights Research Division (hereinafter, "HRRD"), and the administrative office.
- (2) Each department does following work:
 1. SHVCL provides counseling, conducts investigations of sexual harassment and sexual assault, finds remedies to victims, working for the prevention of sexual harassment and violence, and research on relevant matters;
 2. HRCL provides counseling, conducts investigation of human rights violations other than sexual harassment and sexual violence. It also does counseling and investigation of petitions for grievances, find remedies to victims, working for the prevention, and research on relevant matters;
 3. HRRD conducts international and domestic human rights research as well as work for education development to raise awareness of members of Seoul National University on human rights; and
 4. The administrative office supports the steering committee, SHVCL, HRCL and HRRD. It also take charge of security, accounting, general affairs, and affairs that don't belong to other departments.

Article 5 (Director of SNU HRC)

- (1) The Director of SNU HRC shall be appointed by the President of Seoul National University. The Director of the HRC should be a Director at either SHVCL or HRCL.
- (2) The Director of SNU HRC shall represent SNU HRC and exercise overall control over the affairs of SNU HRC.
- (3) If the Director of SNU HRC is not able to perform his/her duties due to any accident, the director of the Counseling Line who does not concurrently take the office of the Director of SNU HRC shall act on behalf of the Director.
- (4) The term of the Director of SNU HRC shall be two years, and the consecutive appointment may be permitted.
- (5) The Director of SNU HRC shall submit a human rights report to the President of SNU once a year and the President shall take measures needed in accordance with the report. The Director may also report to the President in case of important matters.

Article 6 (Expert Advisor and staff)

- (1) Expert advisors and researchers shall take charge of special tasks such as counseling and investigation of human rights violations; research; education and so on.
- (2) The Director of SNU HRC may have expert advisors/researchers taking full charge of tasks of SHVCL, HRCL or HRRD for effective operation of SNU HRC.
- (3) Administrative staffs shall support counseling, investigation, research and education and take charge of other administrative tasks.

Section 2. SHVCL

Article 7 (Director of SHVCL)

- (1) The Director of SHVCL shall perform its duties and supervise an investigation of an act of sexual harassment and sexual violence, to report the results and suggest a proper remedial measure to the Director of SNU HRC.
- (2) If the Director of SHVCL is not able to perform his/her duties due to any accident, the Director of HRCL shall act on behalf of the director of SHVCL.

Article 8 (Missions)

SHVCL shall perform the duties of the following subparagraphs. If necessary, SHVCL may pursue a mission jointly with HRCL.

1. Counseling and investigation of an act of sexual harassment and sexual violence and psychological/legal/medical remedy;
2. Preliminary investigation and research to establish guidelines for categories of acts of sexual harassment and sexual assault, standards for their identification, and precautionary measures therefor;
3. Implementation of sexual harassment precautionary education program with the aim of gender equality based on mutual respect;
4. Survey and research with regards to sexual harassment, sexual violence and statement of an opinion towards the relevant departments; and
5. Other necessary measures to prevent sexual harassment and sexual violence.

Section 3. HRCL

Article 9 (Director of HRCL)

- (1) The Director of HRCL shall be appointed by the President of Seoul National University from among full-time instructors holding a rank corresponding to an associate professor or higher who have knowledge and experience on the issues of human rights and are considered to be capable of fair and independent performance of his/her duties.
- (2) The Director of HRCL shall perform its duties and supervise any investigation of human rights violation to report the results and suggest a proper remedial measure to the Director of SNU HRC.
- (3) If the Director of HRCL is not able to perform his/her duties due to any accident, the Director of SHVCL shall act on behalf of the director of HRCL.

Article 10 (Function)

HRCL shall perform the duties of the following subparagraphs. If necessary, HRCL may conduct jointly with SHVCL.

1. Counseling and investigation of violation of human rights except sexual harassment and sexual assault, counseling and investigation of petition for grievances, and psychological/legal/ medical remedy;
2. Preliminary investigation and research to establish guidelines for categories of acts of violations of human rights, standards for their identification, precautionary measures therefor and improvement of institution which arouses petitions for grievances.
3. Implementation of the human rights education program to protect human rights and raise awareness on human rights;
4. Survey and research with respect to violations of human rights, petitions for grievances and institutional improvement and presentation of an opinion towards relevant departments; and
5. Other necessary measures to prevent violations of human rights.

Chapter III. Steering Committee

Article 11 (Establishment)

The Steering Committee shall be established to deliberate and resolve on the important matters of SNU HRC.

Article 12 (Composition)

- (1) The Steering Committee shall be comprised of no more than 15 persons including the chairperson. Additionally, there shall be no less than 3 female Steering Committee members.
- (2) The Director of the SNU HRC shall assume the role of the chairperson.
- (3) The director of the Counseling Center who does not concurrently take the office of the Director of SNU HRC, the Dean of the Office of Academic Affairs, the Dean of the Office of Student Affairs, the Dean of the Office of Research Affairs, nor the Director of the Bureau of General administration shall be an ex officio member of the Steering Committee. The remaining seats shall be filled by appointment by the President of SNU from among experts on relevant matters in or out of SNU, provided that there are at least two or more student representatives and no less than two employees among the appointees.
- (4) The term of members except for the ex officio member shall be two years, and the consecutive appointment may be permitted.

Article 13 (Mission areas)

- (1) The Steering Committee shall deliberate on the following matters:
 1. Administration and assessment of SHVCL and HRCL;
 2. Policy and education program development for gender equality:
 - (a) Assessment on policy establishment, education and operation towards gender equality in education, research and administration in SNU;
 - (b) Support on promotion of human rights of female members of SNU;
 - (c) Policy development to foster family-friendly work environment; and
 - (d) Other matters that the Steering Committee deems necessary to realize gender equality;
 3. Policy and education program development to protect rights and interests of minority groups in SNU including the disabled and the international:
 - (a) Assessment on policy establishment and operation to protect rights and interests of minority groups including the disabled and the international in SNU;
 - (b) Assessment on improvement of educational environment for the disabled; support of teaching and education thereof;
 - (c) Assessment on support of education and life for the international; and
 - (d) Other matters that the Steering Committee deems as necessary to protect rights and interests of minority groups including the disabled and the international;

4. Other tasks than 2) and 3) on policy development and education to protect the human rights of members of SNU;
 5. Matters that are requested by the Director of SNU HRC or the director of the Counseling Center to be deliberated as deemed serious;
 6. Human rights reports; and
 7. Other important matters on administration.
- (2) The Steering Committee shall deliberate and resolve on the following matters:
1. Basic administrative plans and measures;
 2. Appropriation and settlement of the Center's budget; and
 3. Establishment, amendment, and abolition of the regulations and the sub-regulations of SNU HRC.

Article 14 (Meeting)

- (1) A meeting of the Steering Committee shall be called upon by the chairperson.
- (2) The resolution of a meeting of the Steering Committee shall require the attendance of a majority of all the incumbent members and the consent of a majority of those present.

Article 15 (Advisory Council)

An Advisory Council may be established to advise on the matters necessary for the task execution. Matters necessary for the operation and the composition of an Advisory Council shall be prescribed by the Director of SNU HRC.

Chapter IV. Investigation and Remedy

Article 16 (Report)

- (1) A person against whom an incident of human rights violations is committed, a person who knows an incident of human rights violations, or a person who has a petition for grievances may file a report of an incident to the corresponding Counseling Center.
- (2) No report under paragraph (1) shall be made after the lapse of six months from the date on which the event subject to such reporting occurred. Provided that when there are justifiable reasons, the period shall be computed from the date on which such reasons have ceased to exist.
- (3) In cases where another affiliated organization of Seoul National University receives a report, it shall be directed to SNU HRC.
- (4) SNU HRC shall not retry the same case if an investigation has already been completed.

Article 17 (Rejection)

(1) The director of the Counseling Center shall reject a report which falls under any of the following subparagraphs:

1. In case it is manifest that the complainant is not a person who may file a report pursuant to Article 16 (1);
2. In case the said report is filed by any person other than a victim and it is manifest that the victim does not desire the investigation thereof;
3. In case where the incident may not be reported because it falls under Article 16 (2) or Article 16 (4); and
4. In other case it is manifest that following the procedure is inappropriate.

(2) In case the director of the Counseling Center rejects a report, a director shall immediately give written notice to the party concerned of the result and the grounds.

Article 18 (Interim Measures)

Where it is deemed that violation of human rights is likely to continue and worsen, the Director of SNU HRC may request, upon a request of the party concerned or ex officio, the respondent or the director of the relevant department to implement measures of the following subparagraphs:

1. Immediate discontinuance of the human rights violation;
2. Separation of space including eviction and seclusion from lawfully possessed space such as the residence, the office, the laboratory and the classroom of the victim; and
3. Other methods necessary for protecting security of the victim.

Article 19 (Investigation and Process)

- (1) The director of the Counseling Center may commence an investigation upon a report or ex officio.
- (2) When an investigation is commenced, the director of the Counseling Center shall immediately give written notice to the party concerned of the fact thereof.
- (3) The director of the Counseling Center shall take measures for the party concerned to be investigated in an impartial manner.
- (4) The director of the Counseling Center shall give the party concerned the necessary information including investigation procedure and process plan.
- (5) Investigation of the incident reported shall be completed within 6 months from the date on which the report was received.
- (6) The director of the Counseling Center shall immediately give written notice to the party concerned of the result of handling a report he/she has filed.

Article 20 (Methods of Investigation)

(1) The Counseling Center may investigate by such methods as prescribed in the following subparagraphs, with which the party concerned and an interested person shall faithfully comply:

1. To require the party concerned or an interested person to be present and submit a written statement, or to hear his/her statement;
 2. To require the party concerned, an interested person or the related entity to submit such materials as deemed related to matters subject to investigation;
 3. To refer to the party concerned, an interested person or the related entity for such fact or information as deemed related to matters subject to investigation; and
 4. To practically inspect any such place, facility or material as deemed related to matters subject to investigation on the spot.
- (2) Any person who is required to submit a written statement under paragraph (1) 1 shall submit it within 14 days.

Article 21 (Composition of the Deliberative Committee)

- (1) The director of the Counseling Center may, if deemed necessary for fair settlement of the report, have the Deliberative Committee comprised of not less than three, but not exceeding nine members, including one chairperson.
- (2) Members of the Deliberative Committee shall be commissioned by the director of the Counseling Center from among the persons falling under any of the following subparagraphs. A person under the subparagraph 4 shall be included in the Committee.
 1. A faculty member;
 2. A person who has worked in the profession of assistant professor or higher in the university or publicly certified research institutions who majored in relevant fields or law-related areas;
 3. A person who has dealt with the affairs of the related field at the public institutions or organizations;
 4. A person qualified as an attorney-at-law; and
 5. A person who has expert knowledge and experience corresponding to condition under each subparagraphs above.
- (3) A chairperson of the Deliberative Committee is appointed from among the members of the Committee by the director of the Counseling Center.
- (4) The term of the members expires at the close of the relevant incident in principle, with the exception of those whose term the director of the Counseling Center determines within the period of 1(one) year at his/her discretion.

Article 22 (Mission areas of the Deliberative Committee)

The Deliberate Committee shall perform the duties of the following subparagraphs:

1. Deliberation on the investigation of the Counseling Center;
2. Presentation of opinion on factual relationship and resolution of the incident; and
3. Request of the supplementary investigation, in case the factual investigation of subparagraph 1 is insufficient.

Article 23 (Exclusion)

A member of the Deliberative Committee, the Director of the SNU HRC, the director of the Counseling Center, and a staff member of the SNU HRC (hereafter referred to as the "member" in this Article) shall, if falling under any of the following subparagraphs, be excluded from the participation in the course of the investigation on the incident including the meeting of the Deliberative Committee:

1. In case the member or any person who is or was his/her spouse is the party concerned of the relevant incident;
2. In case the member is or was a blood relative of the party concerned of the relevant incident; and
3. In case the member participates or participated in the relevant incident as agent of the party concerned.

Article 24 (Challenge)

(1) The party concerned may challenge the member falling under any of the following subparagraphs:

1. In case falling under any of the subparagraphs of Article 23; and
2. In case it is difficult to expect a fair investigation.

(2) The director of the Counseling Center shall make the decision on an application for challenge under paragraph (1).

Article 25 (Refrainment)

Any member shall refrain from the deliberation and resolution on the relevant incident, if he/she falls under either any of article 23 or article 24.

Article 26 (Replacement)

The director of the Counseling Center may appoint a new member to fill a vacancy of the Deliberative Committee.

Article 27 (Meeting of the Deliberative Committee)

- (1) A meeting of the Deliberative Committee shall be attended by a majority of all incumbent members including a chairperson.
- (2) The Director of SNU HRC, the director of the Counseling Center, an expert advisor may attend a meeting of the Deliberative Committee to promote understanding of the incident.
- (3) The Deliberative Committee may present its opinion to the director of the Counseling Center with respect to the factual relationship and the solution of the incident by a resolution adopted by a majority of those present.

Article 28 (Dismissal)

(1) The director of the Counseling Center shall dismiss a report if the contents thereof turn out to fall under any of the following subparagraphs as a result of investigation:

1. Where it is judged that the contents of a report are not true;
2. Where it does not fall under the category of violation of human rights; and
3. In case it is deemed that any further remedial procedure is not required because the injury related to the report has already been relieved.

(2) The director of the Counseling Center shall, if dismissing a report, immediately give written notice to the party concerned of the result and the grounds.

Article 29 (Negotiation)

(1) Two parties concerned may mutually agree to the measures to relieve the injury related to the report and request the Counseling Center to confirm the negotiation.

(2) When the director of the Counseling Center confirms the request under the paragraph (1), it shall be deemed that the recommendation under Article 32 (1) exists.

Article 30 (Conciliation)

(1) The director of the Counseling Center may commence the conciliation procedure upon a request of the party concerned or ex officio.

(2) The director of the Counseling Center may establish a conciliation committee to take procedures for conciliation.

(3) The director of the Counseling Center or a conciliation committee may propose proper remedial plan to two parties concerned. Where the parties concerned consent to the remedial plan, it shall be deemed that the recommendation under Article 32 (1) exists.

(4) Procedures for conciliation shall be completed before the party concerned is informed of the result of an investigation.

(5) Details of the procedures for conciliation shall be may be determined separately by the Director of SNU HRC.

Article 31 (Withdrawal of a report)

A complainant may withdraw a report before he/she is informed of the result of an investigation.

Article 32 (Remedial Measures)

(1) If the Director of SNU HRC deems that there occurred any violation of human rights as a result of the investigation, he/she may recommend proper remedial measures and rectification or improvement of any relevant institution, policy or practice to the party concerned and the director of the relevant department.

(2) If the Director of SNU HRC deems that there exist reasonable grounds, he/she may present the opinion to the party concerned and the director of the relevant department, even if the incident doesn't reach the level of violation of human rights as a result of the investigation.

(3) The party concerned who receives a recommendation pursuant to paragraph (1) shall comply with such recommendation and notify the Director of SNU HRC of the result of the implementation thereof unless any justifiable ground exists.

(4) The director of the relevant department who receives a recommendation pursuant to paragraph (1) shall make every effort to implement the recommendation. He/she shall, if there exists any ground for which it would be difficult to implement, explain the ground to the Director of SNU HRC.

Article 33 (Request of a Disciplinary Action)

The Director of SNU HRC may request the President of SNU that disciplinary action be taken with the ground and relevant disciplinary guidelines in a case falling under any of the following subparagraphs; 1. Where the party concerned is revealed by the investigation to be responsible for the grounds for disciplinary measures pursuant to domestic laws and University regulations;

2. Where the party concerned has not complied with the measures for the protection of the victim under either of Article 18 or Article 32 (1);

3. Where the party concerned has retaliated or incurred unfair disadvantage to another party.

4. Where the party concerned has revealed the identity of another party unjustly or defamed another party; and

5. Where any person unreasonably interferes with the investigation and remedial measures of the Counseling Center.

Article 34 (Rights of the Parties Concerned)

(1) The parties concerned may be accompanied by a representative with a prior notice to the director of the Counseling Center.

(2) The parties concerned have the right to refuse to answer.

Article 35 (Protection of the victim)

The victim may request the involvement or exclusion of specific persons and/or other measures necessary to ensure the protection of human rights, and the director of the Counseling Center shall accept the requests unless there is any justifiable ground to the contrary.

Article 36 (Confidentiality)

(1) A person who performed or performs affairs of SNU HRC such as the Director of SNU HRC, the director of the Counseling Center, a member of the Steering Committee, a member of the Deliberative Committee, an expert advisor and a staff shall give foremost consideration to the protection of the victim and

the victim's representative and shall not reveal or disclose any materials containing the identities of the aforementioned without their consent.

(2) A person who performed or performs affairs of SNU HRC such as the Director of SNU HRC, the director of the Counseling Center, a member of the Steering Committee, a member of the Deliberative Committee, an expert advisor and a staff shall not disclose any secret which comes to their knowledge or is acquired by them in the course of performing their duties.

Article 37 (Prohibition of Unfavorable Treatment)

Any person shall not be subject to any removal from his/her office, transfer to another position, disciplinary action and unjust treatment as well as other unfavorable measures in status or treatment on account of his/her reporting, statement, witness, presentation of materials or reply under this Regulation.

Chapter V. Supplementary Provisions

Article 38 (Sub-regulation)

The sub-regulations on details of operation of the SNU HRC and the Counseling Centers including counseling, investigations and remedy shall be established by the Director of SNU HRC following a resolution by the Steering Committee.

Article 39 (Obligation of Cooperation)

Related departments of SNU shall cooperate with SNU HRC in performing its duties.

Addendum (No. 01974)

(1) (Date of Enforcement) This regulation shall enter into effect on the date of its promulgation.

(2) (Transitory Regulations) Pending issues at the time of amendment hereto shall be governed by previous regulations.