

Fostering a  
harassment-free  
campus

# Sexual Harassment and Sexual Misconduct Prevention Guide

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For faculty



**HANYANG UNIVERSITY** | Center for Gender Equality



# Sexual Harassment and Sexual Misconduct Prevention Guide

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## Introduction

Hanyang University is committed to fostering a campus culture that is free of all forms of sexual violence, intimidation or exploitation, an environment that is respectful to all. Under direct supervision of the Executive Vice President, the Center for Gender Equality has established the Provost's Committee on Sexual Assault that aims to provide support in the wake of an incident, as well as to assist in prevention through education.

When sexual harassment or assault occurs, the University will act to stop and take appropriate actions against those responsible, and provide support for the victims. However, it is paramount that all community members work together to prevent such incidents. Faculty members are especially in a good position to take the lead in treating one another with respect. They can also refer complainants of sexual misconduct to resources on campus where they can receive professional help. This brochure provides information for faculty members in the prevention and responding to students with harassment-related concerns.

## Why it is important

Over the last few decades, Korea has been experiencing changes in sexual attitudes, ethics and laws relating to sexual violence. Due to the rapid pace of change, policies and societal attitudes have failed to keep pace with economic development. As a result, although still rooted in traditional group-oriented Confucian ethics where women are at the bottom of the Confucian hierarchy, there has been a rising cry for gender equality in addition to individual rights and freedom throughout the nation. There is an increasing need for our community to address these issues and provide opportunities for open dialogue.

In order to better serve our students, faculty should be knowledgeable in handling and reporting allegations of harassment. Since professors interact with students on a regular basis, they can be valuable confidants to whom students feel comfortable disclosing in confidence.

Advancements in personal video technology has resulted in a relatively new criminal offense of various types of voyeurism. Hanyang does not tolerate using advanced technology for such criminal purposes. All community members should be made aware of the existence of such crimes, and actively work to prevent its spread and report immediately upon discovery.

Hanyang community has grown to be increasingly international in recent years, welcoming faculty and students from around the globe. Through the diversity of our students and faculty—in experience, culture, ethnicity and gender—we are able to cultivate an educational and professional environment that enriches and nurtures the best leaders of this and future generations. Hanyang will continue to embrace diversity; therefore, similar concerns and responsibilities with regard to sexual misconduct apply to harassment based upon race, color, religion, national origin, age or disability.

Sexual misconduct is an issue many organizations in Korea struggle with, and Hanyang University is no exception. In this time of transitioning into a community that is free from discrimination, harassment and violence, it requires all faculty and staff to be at the forefront of this work to foster a campus culture that encourages respectful and responsible behavior.

## Sexual Harassment & Misconduct : Definitions and Policies

Sexual harassment, sexual misconduct, sexual assault and other similar terms are used to refer to different things in different contexts. This section outlines Hanyang's definitions and policies relating to prohibited sexual conduct.

### Sexual Misconduct

Incorporates a range of behaviors including but not limited to sexual assault, sexual harassment, and any other unwanted behaviors of a sexual nature that are attempted or completed against a person's will. It also includes other nonconsensual conduct that has the purpose or effect of threatening, intimidating or coercing a person.

*\*Note : Although sexual harassment is included under the term sexual misconduct, the two terms are often used adjacently due to frequent reports on sexual harassment in recent years.*

### Forms of Sexual Misconduct

- **Sexual Harassment**

Encompasses any unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature when this conduct may explicitly or implicitly affect the performance or employment of the harassed, or create an intimidating, hostile or offensive work environment. It includes offensive remarks about a person's gender. The harasser can be the victim's superior (direct or indirect), colleague, or third party members such as guests or consultants.

**Related policy :** University policy on Preventing and Handling Sexual Harassment and Sexual Misconduct

**Related acts :** Equal Employment Opportunity Act, Anti-discrimination Against and Remedies for Gender Equality Act, Framework Act on Gender Equality, National Human Rights Commission Act

- **Sexual Assault and Rape**

Sexual Assault is a broad category denoting any kind of nonconsensual sexual contact, including groping, rape and any forms of unwelcomed sexual touching. These acts are often accomplished by physical force, coercion, intimidation and threats.

**Related act :** Criminal Sexual Assault Act, Criminal Code 32, 38-339 (last amended in 1994)

- **Quasi-Sexual Assault and Quasi-Rape**

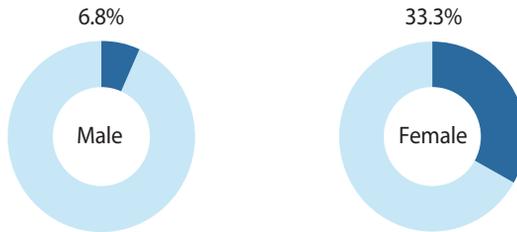
Refers to forcible rape when the person is incapable of sexual consent. The person could be incapacitated by sleep, unconsciousness or intoxication.

**Related act :** Criminal Sexual Assault Act, Criminal Code 32-299 (last amended in 1994)

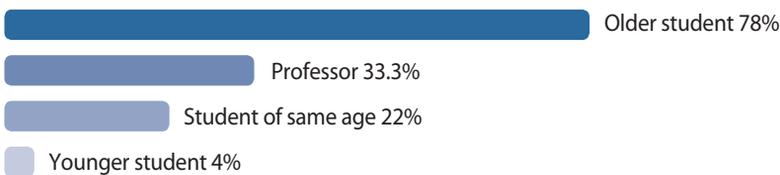
# Campus Survey on Sexual Harassment & Sexual Misconduct



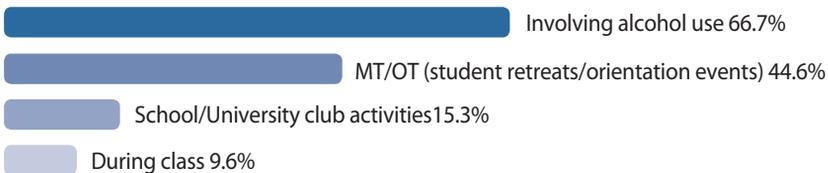
## Q. Prevalence of sexual misconduct



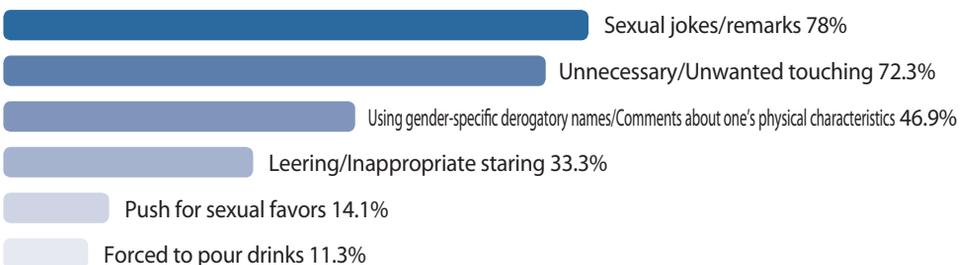
## Q. Relationship with perpetrator (multiple response)



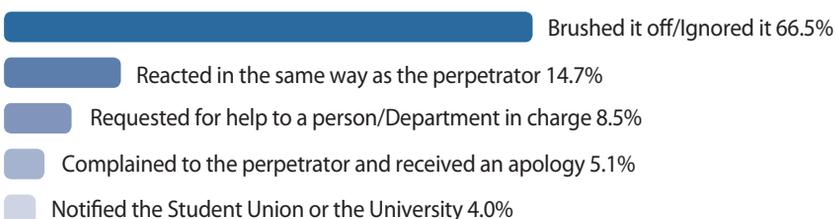
## Q. Sexual misconduct scenarios (multiple response)



## Q. Types of sexual misconduct (multiple response)



## Q. Response upon victimization



# Teacher-Student Sexual Harassment Scenarios and Penalties



## Case 1 : Professor advised to receive training on human rights protection

Source and date of verdict : National Human Rights Commission of Korea, April 19, 2010

**The allegation:** A professor at a Korean university noticed a female student who was not paying attention during his class. He then commented, "Do you want to end up with a job pouring drinks at a bar? I hear that these days, you have to go all the way beyond just pouring drinks." The student felt extremely offended by his comments, and told her mother about the incident. Her mother then filed an official complaint to the National Human Rights Commission of Korea.

Upon questioning, the professor denied his comments, "I remember this particular student to consistently have poor attitude in the classroom, so I did make a comment on whether she would like to end up with a job pouring drinks at a bar. I did not say anything beyond that."

- ▶ The National Human Rights Commission of Korea investigated the claim that included the testimonies of fellow classmates who witnessed the incident first-hand. After careful consideration of all of the attested facts and circumstances, the Commission identified this incident as a case of sexual harassment. They concluded that the professor's comments were hostile sexual innuendos that trivialize women to the very extreme, rendering them as sexual objects. Such comments were agreed to be inappropriate even when pointing out problematic student behavior in the classroom. The professor was advised to take a course on human rights protection against sexual harassment offered by the Commission.

## Case 2 : University advised to establish policies to prevent recurrence of sexual harassment

Source and date of verdict : National Human Rights Commission of Korea, September 23, 2005

**The allegation:** A professor at a Korean university made a comment during class, "University students are selling their eggs for cash, and the price goes up if the donor is pretty." He then pointed to a student and said, "Your eggs would be worth quite a lot." The student reportedly felt immense humiliation and proceeded to take action. Along with this incident, several additional complaints of similar nature were filed to the National Human Rights Commission. When the Commission questioned the professor, he claimed that he was only trying to change the atmosphere of the class and did not remember any other comments he made during that class.

- ▶ The Commission considered this incident to be a case of sexual harassment. His gender-related remarks on someone's physical characteristics were deemed to be reasonably known as unwelcome to women in general. The Commission advised the professor to take a course on human rights protection against sexual harassment that they offer, and ordered the university to be more active in training faculty on preventing sexual harassment and its recurrence. After receiving a report that detailed the list of events of this professor's misconduct including the case described above, the university president and his committee decided to terminate the professor based on the overwhelming evidence of his sexual harassment allegations.

# Best Practices to Prevent Teacher-Student Sexual Harassment



The following are a list of common scenarios of faculty-student sexual harassment cases in South Korean universities. Please note the prevention guides below to achieve a harassment-free campus.

## Comments during class

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In efforts to enlighten the atmosphere during lectures, the professor may attempt a lighthearted amusement or banter. The professor must not forget that sexual harassment can be verbal, and what is perceived as sexual harassment may differ according to individuals. What may be a lighthearted joke to the harasser may be offensive to others. Because of the disparity in interpretation, it is critical to understand sexual harassment as any conduct perceived as offensive or unwanted by the *victim*.

## Physical contact

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The teacher may choose to make light physical contact with students—a pat on the shoulder, back or knee—as a means to encourage or sympathize with the student. On other occasions, unintended physical contact with students could occur, e.g. brushing against the student's body or face during lab experiments, coaching or any other teacher-student interactions.

At the moment of such physical contact, whether intentional or unintentional, the student may feel violated, yet refrain from expressing it. The victim often hesitates to complain for fear of reprisals in that situation. Several complaints have been filed after the victim left the situation and deemed the act as unwanted, unnecessary physical contact. Thus, it would be best to avoid physical contact with students as much as possible. Should physical contact be inevitable or be part of the teaching practice, it would be wise to establish clear policies as prevention measures. One good practice to avoid misunderstandings would be to gently ask for consent prior to making physical contact, as a way of displaying respect for the student.

## Alcohol-related events, overnight workshops (MT)

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As a means to encourage stronger connections between faculty and students, the professor may convene a group of students for dinner and drinks. As in most after-work company outings in Korea—called *Hoishik*—the night usually follows a predictable alcohol-centered pattern beginning with dinner with a few drinks, then a second or third round at a beer hall, and perhaps even more drinks and singing at a *Noraebang*, the Korean karaoke club.

Verbal and physical harassments frequently occur during or after drinking bouts. Therefore, it is critical for professors to exercise professional behavior by drinking in moderation when socializing with students. These efforts are paramount as the nation is pressing to be more careful in preventing and responding to sexual misconduct after a slew of sex crimes surfaced among Korean universities.

Significant impact can be made by the professor in setting the norms and expectations during such occasions to create a pleasant and respectful atmosphere. Korean students may not have had good role models when it comes to alcohol use in the past, or be aware of the how alcohol contributes to sexual misconduct. By demonstrating and casually discussing appropriate behavior to avoid harassment when socializing that involves alcohol consumption, the professor is truly at the forefront of creating a campus culture of respect and responsibility.

Should the professor leave early while students would be left on their own, it is highly recommended to remind them of the importance of respectful conduct, and appoint a student to ensure the safety of the remaining students for the rest of the night out.

Another venue where sexual harassment is prevalent are campus events that involve students to spend the night—what Koreans refer to as workshops or MT—or other alcohol-related events such as the campus festival. Should the professor be involved in any of these events, it would be good practice to provide some guidelines prior to the event. Safety measures should be reinforced, and reminders to avoid inappropriate games (chugging, drinking games) that can be hostile in nature will be helpful in preventing problems.

# Understanding Sexual Harassment

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## Defining sexual harassment is ambiguous.

Due to the disparity in interpretation of what constitutes sexual harassment, it is imperative for faculty to understand it from the victim's perspective. In Korean courts, sexual harassment is interpreted as any behavior that the victim perceives as offensive, given that any other reasonable person would construe to be inappropriate sexual conduct in that situation.

## The student or staff did not express any discomfort during that time, but filed a complaint after. What went wrong?

Contrary to many western countries, Korean culture (and some other Asian cultures) is known to be rather conservative in outwardly expressing true emotions. Sexual harassment is an expression of power where the harasser is usually someone in authority who uses his or her power to intimidate another. Korea, still heavily influenced by Confucian patriarchal traditions, has an elaborate hierarchy based on age, gender, seniority, rank and prestige. The face-saving aspect of Confucianism also tends to discourage victims from openly expressing their true feelings, especially in public.

For the above reasons, Korean victims of sexual harassment may feel similar feelings to those in the western context, but the way they express them may be quite different. The Korean context posits male dominance over women, and respect for the elders and teachers. The victim—especially the female or one who is of lower rank—may often hesitate to express uneasiness or stop the harasser immediately. The foreign faculty is advised to be careful in interpreting verbal cues in terms of those in their own culture. Even when a student or a younger staff may be smiling on the outside, he or she may be feeling uneasy on the inside.

# Responding to Student Disclosures on Sexual Harassment

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## When a student discloses his/her experience of sexual harassment to you.

Faculty members play an important role in reaching out to students who have experienced sexual harassment. One of the most important attitudes to keep in mind when responding to a student who discloses an incident is to help them understand that there are community resources that can help.

It is not expected of faculty members to provide counseling on sexual harassment, but to recognize the problem and respond appropriately, then referring them to where they can receive professional support. When responding to the student's initial complaint on a possible problem on sexual harassment, the complaint should be taken seriously. The faculty member should listen and sympathize, but not judge. In order to insure appropriate handling of the complaint, the complaining student must be referred to the Center for Gender Equality as soon as possible. Although the center cannot guarantee total confidentiality, trained staff will work to respect the complainant's well-being, and work with the University to take ongoing steps to protect the student from retaliation or harm. The student will also be provided with confidential support and information about his or her options and rights.

## When a student who has been accused of sexual harassment consults you.

When your student discloses his or her experience of alleged sexual harassment to you as the accused, it is important that he or she also receives assistance. While respectfully acknowledging the emotions of the accused, the student may not be aware that openly complaining about how he or she has been wrongly accused would only worsen the situation. Especially when sharing this experience with peers in efforts to prove his or her innocence, it could be counted as retaliation against the accuser and further heighten the penalty. It would also be good to remind the student objectively on the severity of sexual harassment, that it is a crime with detrimental effects on both the accused and the accuser.

# Sexual Harassment Prevention Guide



- As members of the University community, we each have the responsibility to treat others with respect. An important attitude to adopt is to acknowledge sexual harassment as a serious crime and refrain from engaging in any harassing behavior while not tolerating such behavior from others.
- Faculty members who are in supervisory positions such as overseeing a lab or facilitating small groups on campus should establish clear anti-harassment policies. Since it is common for students to work late or even spend the night in labs, it would be wise to also establish a code of conduct to remind students of safety measures and emergencies during late hours on campus.
- Statistics clearly show that sexual harassment and sexual violence have been particularly prevalent during orientation weeks, campus festivals and overnight campus events where there was alcohol consumption. It is highly recommended for the faculty in charge to establish a clear code of conduct and a monitoring system. Before students leave for the event, a post-event report to the faculty could be arranged, and most importantly, all students who are involved should be reminded of safety and prevention measures.
- Sexual misconduct also includes video voyeurism and cyber harassment, whether making photographs, videos, or other visual or auditory recordings of a sexual nature of another person without consent. Similarly, sharing such sexually harassing electronic communications without consent, even if the intention was a joke, is a form of sexual misconduct. All community members should be made aware of the existence of such crimes, and actively work to prevent its spread and report immediately upon discovery.
- Hanyang community has also grown to be increasingly international, welcoming faculty, students, and consultants from around the globe. Whether they visit for a day or stay for extended periods of time, it is vital for us to embrace diversity, respect differences and eradicate sexual misconduct through education and training.

## Center for Gender Equality

### About

The Center for Gender Equality is dedicated to promoting and fostering a campus community that is safe and respectful to all. Our programs are designed to build a culture of personal responsibility, accountability and a recognition of the essential human dignity of each individual whom we interact.

### What we do

- Offer information, training and educational services on preventing sexual harassment and misconduct
- Publish and distribute materials on sexual harassment and misconduct
- Offer courses on gender equity
- Process complaints of sexual harassment and misconduct and offers counseling services
- Support the Provost's Committee on Sexual Assault
- Support the review panel within the Provost's Committee on Sexual Assault
- Conduct research and reports on sexual misconducts on campus; evaluates and updates educational programs aimed at prevention
- Work with individual departments on campus to provide the most relevant training on prevention
- Initiate campaigns and holds awareness initiatives such as film festivals or photo exhibitions to promote gender equity

