

# Trends & Policies in Criminal Justice

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## Violence and Human Rights Violation in University Campus, and Improvements

### Introduction

As sexual harassment and sexual violence in university campuses around the nation caused serious concerns in the 1990s, policies such as establishing relevant statutes and regulations have been made in order to deal with the concerns. Since the beginning of the 21st century, verbal abuse, violence, maltreatment, and exploitation of labor against university students have newly come under the spotlight and human rights issues in university campus have become widely recognized as critical agenda to be addressed.

Nevertheless, the MeToo movement against sexual abuse and sexual harassment of students by professors started to gain momentum around 2018 in and out of university campuses along with verbal abuse, violence, maltreatment, and exploitation of labor against students by professors, which poses a question that policies to handle violence and human rights violation cases in university campuses have been truly effective.

Accordingly, policy interventions of the national authorities including the Ministry of Education and the National Human Rights Commission of Korea have been enhanced, leading to changes in gender equality/human rights organizations and case-handling procedures in university campuses such as taking stronger disciplinary actions against sexual harassment and sexual violence and establishing the procedures for relief from human rights violation.

Since the MeToo movement in university campuses around 2018, faculty members, academic administration, and students have raised their voices to prepare for plans for protection of human rights in

university campuses and taken actions accordingly. In this situation, we need to review the structure and characteristics of university communities that cause violence and human rights violation in university campus and hampers university's response to the violence and human rights violation, policies and organizations in charge of handling the violence and human rights violation, and procedural principles behind problem-solving processes. Based on the review, we also need to set new directions for improvement.

As awareness of human rights has increased recently, the procedures for relief from violence and human rights violation in university campus have improved. However, the procedures mostly center on disciplinary actions against infringement of rights and such disciplinary actions centered method poses limitation on the procedures. As for the cases of violence and human rights violation in university campus recently made public, questions have been brought up about minor punishment which has no deterrent effect. And along with the procedures in university campus, tendency for other procedures outside university campus, such as reporting to organizations outside campus including the Ministry of Education and making accusations of criminal charges, has increased. Procedures outside university campus have been employed not only by reporters or victims but also by those reported or perpetrators; counter-accusation on charges of defamation and false charge or counter-report against victims and their helpers have been on the rise. Universities have designed their systems and policies to handle violence and human rights violation cases inside the university community while seeking recovery and inviting change of victims and the community. However, their design fails to function properly as the cases start to affect not only the persons directly concerned but also other persons including those in charge of handling the cases, triggering another wave of accusations and charges by victims and perpetrators. In this situation, policy interventions of the national authorities, such as the Ministry of Education, have been intensified including reinforced disciplinary actions against violence and human rights violation cases in university campus and consistent case-handling procedures. It needs to review whether such policy interventions are suitable for handling violence and human rights violation cases in university campus.

The primary purpose of the study is to investigate the incidents of violence and human rights violation in campus and identify factors on them including relations, situation and community characteristics then, specify the issue of intervention to solve the community's problems. To that end, the characteristics of majors in which human rights violations recur are examined through the influence on and correlation of violence and human rights violations between professors and students and between students and students. It also requires to analyze how authority relations and discriminatory factors affect the occurrence and type of violence and human rights violations and examine institutional, individual and structural limitations that hinder resolution of cases related to violence and human rights violation on college campuses through an in-depth analysis on the process of solving the incidents of violence and human right violation. The study seeks countermeasures and specific improvements of violence and human rights violations to help universities address incidents.

## Research Methods

### **In-depth interviews about the experience of violence and human rights violation and the experience of response to violence and human rights violation cases in university campus**

- In-depth interview with victims and witnesses of violence and human rights violation and their helpers in university campus (24 in total)
- In-depth interview with the persons in charge of gender equality/human rights issues in university campus (14 in total)

### **Survey on human rights among students**

- Stratified sampling from students partitioned into major and school types based on gender, region, and university type
- Online survey of 1,500 undergraduate students and 700 graduate students for 3 weeks from September 20, 2019 to October 10, 2019
- A total of 1,902 respondents (1,265 undergraduate students and 637 graduate students)

# Results

## Types and conditions of violence and human rights violation cases in university campus

### ■ Survey results

- Of the 1,902 respondents, 46.4% said they had at least a single experience of human rights violation after admission. Respondents who experienced human rights violation can be categorized into three groups (student type, major, and region). As for student type, 52.2% of 4-year undergraduate students experienced human rights violation, followed by 42.2% (2-year undergraduate students) and 39.2% (graduate students). As for major, 72.5% of students at school of dentistry experienced human rights violation, followed by 46.0% at STEM, 44.1% at school of arts and physical education, and 43.1% at schools of humanities and social sciences. As for region, 53.1% of students at universities in metropolitan areas experienced human rights violation, followed by 47.9% in other regions and 40.5% in Seoul.
- As for the type of violence and human rights violation and the type of the activity area where violence and human rights violation occur, the majority of respondents experienced privacy infringement and coercion during their activities at the intimacy/community area and more undergraduate students (4-and 2-year undergraduate program) experienced privacy infringement and coercion than graduate students. In addition, more graduate students experienced violence and human rights violation during their activities at the research/learning area than undergraduate students did. As mentioned above, the activity area where the highest percentage of respondents experienced violence and human rights violation was the intimacy/community area and the area with the lowest percentage was the sexuality area. As for the type of students who experienced violence and human rights violation at the intimacy/community area, the percentage of 4-year undergraduate students was the highest (49.3%), followed by 2-year undergraduate students (40.3%) and graduate students (30.3%). As for the type of students who experienced violence and human rights violation at the research/learning area, the percentage of graduate students was the highest (5.5%), followed by 2-year undergraduate students (1.6%) and 4-year undergraduate students (1.2%). As for the type of students who experienced violence and human rights violation at the sexuality area, there was no difference between student types. As for major, 66.9% of respondents at school of dentistry experienced violence and human rights violation at the intimacy/community area.
- Undergraduate students cited violence and human rights violation at the intimacy/community area as the most taxing (4-year graduate students 76.1% and 2-year 86.1%). And 76.0% of undergraduate students said infringement at the intimacy/community area was the most difficult experience. This shows that infringement of autonomy or personal rights inside the university community was recognized as serious violence. On the other hand, the percentage of respondents who cited infringement at the sexuality area or the research/learning area as the most difficult experience was 49.5% and 43.0%, respectively. This shows that infringement at the sexuality area or the research/learning area could be recognized as less serious than relevant infringement or other type of infringement.
- As for the gender of perpetrators, the proportion of male perpetrators was larger than female ones. The percentage of male perpetrators at the sexuality area was the highest and the gender of perpetrators at the intimacy/community area was largely unknown. This implies that online infringement could be much damaging to respondents. As for the type of perpetrators at each area, the percentage of senior students at the intimacy/community area was the highest (51.0%), followed by professors (20.8%) and college mates (11.6%); the percentage of senior students at the sexuality area was also the highest (32.4%), followed by college mates (23.5%) and professors (15.7%); and the percentage of professors at the research/learning area was the highest (57.6%) followed by senior students (14.1%). As for the persistence of the damage incurred by violence and human rights violation, the damage at the research/learning area is more lasting (more than four times) compared to that at the intimacy/community area or the sexuality area. This

suggests that hierarchical relationship between professors and students makes the damage more persistent.

### ■ In-depth interview results

- The various activities performed by students in the university community can be broadly divided into those at the research/learning area where public research, learning, and labor are conducted, those at the intimacy/community area where personal exchanges with professors and students are conducted, and those at the private relationship/sexuality area. The types of violence and human rights violation occurring in university campus can be classified according to each area. This research categorized the types of infringement in detail by area after identifying the behaviors recognized by interviewees as violence and human rights violation. (1) Infringement cases at the intimacy/community area are ① verbal abuse, ② discriminatory expression, ③ privacy invasion and coercive behaviors, ④ physical violence, and ⑤ bullying; (2) Infringement cases at the private relationship/sexuality area (hereinafter referred to as the sexuality area) are physical and verbal sexual infringement as part of sexual violence; and (3) infringement cases at the research/learning area are ① labor exploitation, ② infringement caused by fraudulent research, ③ monetary extortion, and ④ infringement of the right to study.
- The area where violence and human rights violation occurred in university campus differed across the type of perpetrators. When perpetrators were students, violence and human rights violation occurred at the intimacy/community area and the private relationship/sexuality area. When perpetrators were professors, violence and human rights violation occurred at all areas. In addition, the type of violence and human rights violation cases at each area differed by the type of perpetrators. When perpetrators were students, violence and human rights violation cases were online verbal abuse, sexually derogatory remarks on gender, and bullying and group punishment by students. When perpetrators were professors, violence and human rights violation cases were personal attacks and derogatory remarks as part of verbal abuse, privacy invasion, and all kinds of violent acts that occurred at the research/learning area.

- Cases of violence and human rights violation against students by professors have the following characteristics: ① various kinds of violence and human rights violation against many victims repeat multiple times by one or a few perpetrators, ② violence and human rights violation occur intensively against students on whom perpetrators (= professors) can have influence (such as students belonging to university labs/workshops or introverted and passive students), and ③ due to hierarchical relationship between professors and students and students' fear that they could experience disadvantages, they face severe difficulty in raising their voices against violence and human rights violation and in appealing against the damage incurred by violence and human rights violation.
- Cases of violence and human rights violation by students have the following characteristics: ① verbal and sexual violence targeting women occur in the academic disciplines whose members are mostly males (such as STEM) and where male-centered culture is dominant (such as school of dentistry, school of medicine, and special-purpose universities), ② violence and human rights violation against junior students by senior students in the academic disciplines such as STEM where laboratories are required for their research and where hierarchical relationship between seniors and juniors exist, and ③ tendency to handling cases personally such as asking a perpetrator to make an apology to a victim or asking for arbitration instead of punishing the perpetrator for infringement; this is due to the desire for a peaceful resolution through reconciliation, but on the other hand, also due to concerns over stigma attached to and bullying against the one who raises the issue.

### Cases of violence and human rights violation in university campus

- Cases of violence and human rights violation in university campus differed depending on the position where students were placed. As for major, school of dentistry had overwhelmingly high percentage of students suffering from violence and human rights violation. As for region, Seoul had lower percentage of students suffering from violence and human rights violation, signifying regional differences. Undergraduate students

frequently mentioned privacy infringement by other students, (i.e. their seniors and college mates), while graduate students cited violation of labor rights or the infringement of autonomy during research process. This explained why the main perpetrators of human rights violation which undergraduate students experienced were their seniors and college mates and the main perpetrators of human rights violation which graduate students experienced were professors. The majority of students in school of dentistry cited senior students as the largest perpetrators and the majority of students in STEM cited professors as the largest. Compared to the students in other academic disciplines, students in schools of humanities and social sciences mentioned senior students or collegemates as their largest perpetrators. As for cases of violence and human rights violation at the three areas (the intimacy/community area, the private relationship/sexuality area, and the research/learning area), school of dentistry had overwhelmingly many cases of human rights violation at the intimacy/community area and schools of humanities and social sciences had many cases of human rights violation at the private relationship/sexuality area. Students working at labs cited their professors and seniors who, under the influence of professors, instructed and managed them in the hierarchical relationship as the largest perpetrators of human rights violation.

- In this situation, when looking at the cases of human rights violation repeatedly committed by perpetrators, we could see that similar behaviors were repeated for each of the three areas (the intimacy/community area, the private relationship/sexuality area, and the research/learning area). In addition, perpetrators who violated human rights at the intimacy/community area tended to invade privacy, force certain behaviors, or make discriminatory remarks at the private relationship/sexuality area and the research/learning area and such perpetrators also were likely to violate privacy, force victims to attend events and dine together, verbally abuse, insult, or criticize victims in front of others regardless of the areas. This means that the behaviors committed by the perpetrators who have no respect for individuals' privacy and have attempted to violate privacy are developing into other forms of human rights violation.

- More than half of graduate students were serving as not only students but also as research assistants, teaching assistants, administrative assistants, and work-study program recipients and 70.2% of graduate students answered that they thought they were workers as well as students who did study and work at the same time. Only about 30% of undergraduate students identified themselves as students, no more, no less. Activities done under the name of research and education were recognized as labor requiring fair compensation and rules from the perspective of students. And those who assumed the identity as workers mentioned that the reason why they failed to raise the issue against human rights violation committed upon them was the concern that their relationship with the perpetrator could turn sour. This means that it is necessary to develop university statutes to respond to human rights violations after taking into account the characteristics of students as workers.
- In sum, we need to take more detailed approaches to prevent the damage incurred by violence and human rights violation and provide follow-up support after taking into account the conditions of students, such as those of graduate students where the relationship between professors and students are important in terms of majors and lab systems and those of undergraduate students where reputation among peer groups is important.

### **Structural factors behind violence and human rights violation in university campus and their recurrence**

- As a factor affecting human rights violation in university campus, power imbalance serves as the background in violence and human rights violation due to the following structure and order in university campus.
- Power relationship between professors and students becomes the one where professors can exert hierarchical and violent influence on students as, under apprenticeship, one professor has the sole authority over students and thereby, authoritarian order is imposed upon students. Only professors are authorized to make decisions in all student-related areas of research, learning, and labor such as lecture, graduation, degree acquisition process, scholarship, and payment of

labor costs. And students think that professors will continue to influence not only academic courses but also admission and employment in relevant majors. Professors try to impose authoritarian order upon students which demands respect and obedience to professors in the name of courtesy to professors.

- Professor-centered Institutional system and order of discourse in university campus are combined with the motto for educational efficiency and performance-oriented systems and discourses as part of performance management, leading to escalating violence and exploitation in the fields of research and learning in university campus. But they are justified as part of educational efforts and as achievements. In this situation, not only professors but also (senior) students are becoming perpetrators and, even when damage is done to victims, they are neglected in the name of the performance-oriented system.
- Performance-oriented system and discourse are intensifying competition and conflict among students in academic communities such as specialized majors of an exclusive nature and with limited mobility among academic disciplines, leading to violence and human rights violation. In this situation, making violence and human rights violation public is considered as a conflict-inviting act and becomes subjected to attack and efforts to acknowledge the incidents of violence and human rights violation on campuses as a community issue fail to make any progress.

### **Desire to deal with violence and human rights violation cases in university campus and experience of responding to the cases**

- According to the survey on the desire to deal with violence and human rights violation cases after suffering damage inflicted by violence and human rights violation, 55.0% of those who experienced infringement said they wanted to stop and prevent the recurrence of infringement and the desire for measures such as disciplinary actions was lower (12.8%). Those who experienced infringement in the sexuality area expressed more desire to take measures such as receiving apology and seeking

disciplinary action to take course compared to those in other areas. Those who experienced infringement in the research/learning area showed more desire for compensation and recovery compared to those in other areas.

- According to the survey on response after suffering the damage incurred by violence and human rights violation, most of the students did not respond to violence and human rights violation or complained difficulties they are experiencing to their acquaintances. As for the intimacy/community area, students who suffer from infringement were likely not to make any response. And as for the research/learning area, the percentage of students who expressed their difficulties related to infringement to their acquaintances was higher than that at other areas. When a perpetrator's position is high in the hierarchical order (e.g. a professor or senior student), the victim was likely not to take any action or express his/her feelings to his/her acquaintances. When a perpetrator is the victim's collegemate, he/she was likely to raise the issue in person. When asked about the reason why students made passive response, majority of students suffering from infringement at the sexuality area or the research/learning area said they thought their infringement case could not be solved and students and majority of students at the intimacy/community area said that they thought the case was not serious. When the perpetrator was a professor, the percentage of students who said that their case could not be solved was the highest. When the perpetrator was a college mate, the percentage of students who said that they feared to be stigmatized as raising the issue.
- There were many cases reporting negative experiences, such as poor reputation of victims (36.1%) or facing disadvantages in studies or careers (24.4%), after students made their cases public, and the percentage of students experiencing disadvantages in careers or taking a leave of absence was higher at the sexuality and research/learning area than that at the intimacy/community area. When asked about what happened to perpetrators after making their cases public, most of the students said almost nothing happened to perpetrators at all of the three areas; this means that there are widespread perception among students that

they cannot solve their cases, which is one of the reasons why students give up trying to solve their cases. When the perpetrator is a professor or a senior student, most of the victims has not done anything after making their cases public. When the perpetrator is a part-time faculty member, most of the victims demand a public apology or voluntarily leave university. This suggests that whether a perpetrator and a victim establish a stable relationship or not is a factor that affects the attitude of the perpetrator.

### **Evaluation of official procedures for handling violence and human rights violation cases by gender equality/human rights organizations in university campus**

- According to the survey, students agreed that university had to put stress on social values (such as equality and justice) and critical thinking and to help students build up desirable characters. The percentage of students who answered that the most important value university had to help them find jobs was relatively low, suggesting that human rights protection should be a factor seriously considered in establishing the roles and values of university. Nevertheless, the sense of belonging that students felt as members of the university community was at a normal level and the political efficacy that the members felt through collective actions was low. Therefore, in the event of human rights violation, they solved the violation case through legal judgments and procedures, rather than through problem-solving processes by the members. In this situation, the case-handling procedures and the roles of the gender equality/human rights organizations in university campus become more important. However, students often do not know what kind of support university can provide when they face human rights violation other than sexual harassment or sexual violence. And a majority of respondents answered that they did not know whether there was an on-campus organization capable of handling human rights violation cases or that there was no on-campus organization capable of handling the cases. Also high were the requests among students for establishing and proactively promoting organizations to respond to human

rights violation in university campus and for protecting victims and specifying provisional measures against perpetrators independent of disciplinary or legal procedures.

- So far, policies to deal with violence and human rights violation cases in university campus have led to development of official case-handling procedures and establishment of gender equality/human rights organizations in charge of the procedures. However, the in-depth interview suggested that, as of 2019, the official procedures and the organizations in charge face the following limitations:

- Severe limitation exists in terms of personnel and resources of the organizations in charge. As gender equality/human rights organizations in university campus have been established through policy interventions by the national authorities, such as the Ministry of Gender Equality and Family, the Ministry of Education, and the National Human Rights Commission, there are still several universities that established the organizations and systems in a cursory manner (e.g. a student counseling center also assumes the role of an equality/human rights organization). In some cases, lack of personnel and expertise of equality/human rights organizations have resulted in failing to handle violence and human rights violation cases in university campus since the mid-2010s, causing more problems. As most universities do not take gender equality and human rights in university campus as important policy issues, the gender equality/human rights organization established independently is likely to have just one or two contract worker(s) dedicated to gender equality/human rights issues. Under such unstable employment of workers, it is difficult for universities to handle violence and human rights violation cases properly and to play a pivotal role that can change the overall system and perception of universities.

- This situation shows the limitations that the policy interventions intensified by the national authorities, such as the Ministry of Education and the National Human Rights Commission, have imposed to handle sexual harassment and sexual violence cases and human rights issues. If

universities establish gender equality/human rights related systems in a cursory manner in accordance with recommendations from the national authorities and fail to provide appropriate resources and personnel, it is difficult for them to develop and implement gender equality/human rights policies in a practical manner and to handle violence and human rights violation cases in a proper manner. In this situation, students have distrust in the organizations and systems in university campus and tend to make violence and human rights violation cases public to invite outside intervention and to resort to criminal procedures or external remedies rather than handle the cases inside the university community. Currently, the policy interventions by the National Human Rights Commission or the Ministry of Education have been done in the form of not only policy recommendation on establishment of a gender equality/human rights organization but also direct supervision over how university handles violence and human rights violation cases and intervention in how university makes decisions. However, it is questionable whether such policy interventions help the university community retain its value while handling violence and human rights violation cases in university campus. Rather, what is really needed is 1) to develop the policies used to transform the systems and culture of university which enable it to invite violence and human rights violation in university campus and 2) to make the organizations in charge take on significance in terms of personnel and resources in order to properly intervene in the cases in university campus.

- Official case-handling procedures in university campus have lost the direction amid conflict between judicial orientation and community-related elements and ensuing confusion. Due to the distrust of the students in the organization in charge in university campus and in the case-handling procedure, the procedures taken outside university campus such as outside intervention and criminal procedures have proceeded simultaneously with on-campus procedures. As a result, the case-handling procedures in university campus, which have been made to handle the cases within the university community, tend to adopt evidence-

based judicial principles as an important criterion for judgment. In particular, as human rights centers in university, which have grown in size since the National Human Rights Commission made recommendations for establishing human rights centers in university campus, have focused on infringement of rights and interests while adopting legal expertise as a key criterion for investigation and review, such tendency to adopt evidence-based judicial principles has been reinforced. Separation of a reporter and a victim and case-handling through agreement and arbitration are community-centered procedures which remain in official case-handling procedures in university campus. They are no longer effective at the case-handling procedures under the evidence-based judicial principles. Nowadays the case-handling procedures in university campus serve only as those for checking whether violence and human rights violation cases actually occur and for requesting disciplinary actions.

- Distrust among students in the official case-handling procedures in university campus is caused by lack of personnel and resources of the organization in charge and signifies the distrust among students in procedural fairness. Such distrust is especially evident in handling the cases of violence and human rights violation committed by professors. Power imbalance between professors and students is massive as university imposes authoritarian order based on traditional apprenticeship upon students. Such professor-oriented order and discourse system in university campus also remain effective in the case-handling procedures and disciplinary procedures centered around professors. In this situation, students hold no expectation that the cases of violence and human rights violation committed by professors will be reviewed in a fair manner through the case-handling procedures in university campus and appropriate actions will be taken.

## Policy Recommendations

### Improvement directions for prevention of violence and human rights violation in university campus

- Necessity for structural and relational change to prevent violence and human rights violation in university campus:
  - ① Necessity for change in the authoritarian order centered around professors, ② necessity for a human rights policy that takes into account the community perspective of academic disciplines/majors with an exclusive nature, and ③ necessity to transform hierarchical relationship and culture centered around discriminatory factors such as age and gender
- Necessity to change the directions for case-handling in university campus while reflecting the values of the university community and students' needs:
  - ① Necessity to re-establish case-handling procedures as the communication procedures for problem-solving in the university community,
  - ② necessity to establish criteria for judging whether human rights of a person is violated or not based on perspective of victims, and ③ necessity to secure fair procedures after taking into account structural inequality and power relationship

### Policy proposals to prevent violence and human rights violation in university campus

- Measures to guarantee students' rights to prevent violence and human rights violation:
  - ① Delegating the exclusive authority of professors over students and ② promoting labor contracts to guarantee the labor rights of student workers
- Reinforcement of community perspective through strengthening diversity and democratic factors of the university community:
  - ① Improving gender inequality by recruiting more female professors and ② developing a mentoring program for students for 'connection-cultivation-integration'

- Measures to invigorate human rights policies in university campus to respond to violence and human rights violation cases:
  - ① Conducting regular surveys into actual conditions,
  - ② strengthening the functions of gender equality/human rights organizations to make policy proposals and recommendations,
  - ③ acquiring more personnel and budget to actively operate human rights organizations,
  - ④ making education on human rights mandatory, and ⑤ necessity for intervention and support from the national authorities in order to widely implement human rights policies in university campus
- Directions for improving case-handling procedures in university campus:
  - ① Providing additional support for case-handling procedures by separating counseling personnel and investigation/review personnel,
  - ② taking into account diversity and perspective of victims when forming the disciplinary committee, and ③ developing recommendations for preventing secondary damage and recurrence of damage more systematic

## Major Keywords

University community, Sexual harassment, Violence, Human rights violation, Case-handling procedures from community perspective, Human rights violation against students by professors





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## **Change**

Human Behaviors  
Community Response  
Social System