

# Improper Solicitation and Graft Act Q & A

## □ Regarding Students

Questions	Answers
<ul style="list-style-type: none"> <li>• Is it illegal for students to ask teachers for better grades?</li> </ul>	<ul style="list-style-type: none"> <li>• It is not allowed for students to ask teachers for better grades. However, a teacher who complies with improper solicitation is subject to criminal prosecution. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is it illegal for a graduate student to take a professor out for a meal which costs over 70,000 won after dissertation examination?</li> </ul>	<ul style="list-style-type: none"> <li>• There is a conflict of interest between graduate students and professors regarding the result of an examination. It is not allowed. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Can a graduate student offer travel expenses, accommodation fees, and food expenses to professors in a period of dissertation examination?</li> </ul>	<ul style="list-style-type: none"> <li>• There is a direct conflict of interest between graduate students and professors regarding result of an examination. It is not allowed. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Regarding school events for students, is it illegal for students to receive a gift (or gifts) from sponsorships which costs over 50,000 won?</li> </ul>	<ul style="list-style-type: none"> <li>• The improper solicitation act applies to faculty, not students. Therefore, it is allowed for students to receive sponsorships regarding a school event. &lt;Education Ministry FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• It was a past practice for professors to allow students to make up missed classes with a make-up report. (Attendance is one component of student grade evaluation by school rule.) Is it now illegal?</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance is a part of grade evaluation. Asking for make-up of missed classes is prohibited by law and altering the attendance record is a violation of the law; therefore it is not allowed. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is there any conflict of interest between students/parents and subject teachers, between students/parents and homeroom teachers, and between graduate students and academic adviser?</li> </ul>	<ul style="list-style-type: none"> <li>• There is a conflict of interest between them.</li> <li>• However if student graduate from school or teacher transfer to another school, there is no conflict of interest. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>

<ul style="list-style-type: none"> <li>• Is it allowed for parents or students to give a teacher a gift within the limits provided under Presidential Decree?</li> </ul>	<ul style="list-style-type: none"> <li>• Considering the public nature of the education field, national feeling, and intent of the law, it is not allowed to give a gift to a teacher regardless of cost. There is a direct conflict of interest between student, parent, and teacher. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
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□ **Regarding Parents**

Questions	Answers
<ul style="list-style-type: none"> <li>• Is it illegal for parents to give last year's homeroom teacher a gift which costs 100,000 won?</li> </ul>	<ul style="list-style-type: none"> <li>• In the case of giving a gift to a previous teacher, there is no conflict of interest. However, if the gift is related to grades or student performance, it is not allowed. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is it illegal for the PTO to offer food and drink to faculty at a school event including Experiential Education trips or athletic tournaments?</li> </ul>	<ul style="list-style-type: none"> <li>• There is a conflict of interest between parents and teacher regarding grades and performance evaluation. Therefore food and drink, congratulatory or condolence money, gifts, or other items that are offered to faculty are not allowed. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is it illegal for the PTO, as a group, to offer food and drink (cost less than 30,000 won per person) to all faculty members? If so, who is subject to be punished?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, it is illegal. There is a conflict of interest between parents and teachers – therefore it is not allowed. The person who offered the gift is subject to punishment. If someone gives a public officer a gift, the gift giver or the person who instructed the gift to be given are subject to punishment. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is it illegal for head of the PTO or school operation committee to send flowers which cost over 100,000 won (including delivery fee) to a commencement or graduation ceremony?</li> </ul>	<ul style="list-style-type: none"> <li>• Commencement and graduation ceremonies are formal events and are social norms. However, it is not allowed for the head of the PTO to send flowers for the ceremony since children are in enrolled in school. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>

<ul style="list-style-type: none"> <li>• What would be the punishment for parents if 30 parents collectively contributed 20,000 won per each person and gave a gift worth 600,000 won on teacher's day?</li> </ul>	<ul style="list-style-type: none"> <li>• A present which costs 600,000 won exceeds the 50,000 won limit and, there is a conflict of interest and therefore illegal. The teacher shall be subject to a fine or criminal punishment for negligence.</li> <li>• Parents who paid 20,000 won per person (even if it is within the range of 50,000 won) but the purpose of the present does not seem clear; the law cannot acknowledge the gift between teacher and parents. Also if the parents contribute to the realization of the violation, each participant is deemed to have committed a violation, so each parent shall be punished at an amount of double but less than five times the amount of 600,000 won (the amount parents gave to the teacher).</li> </ul> <p>&lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</p>
<ul style="list-style-type: none"> <li>• If a high school teacher receives a 20,000 won KakaoTalk drink coupon from a parent on Teacher's Day, is it subject to Improper Solicitation Graft Act??</li> </ul>	<ul style="list-style-type: none"> <li>• If the teacher is responsible for the student's grade evaluation, even though the coupon B gave to A is less than 50,000 won, it is difficult to acknowledge that the purpose was to promote smooth job performance, socialization and for ritual. So it is against the improper solicitation graft act and receiving money (Not applicable to Law Article8, Section1, No.2).</li> </ul> <p>&lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</p>
<ul style="list-style-type: none"> <li>• While a homeroom teacher A and a parent B had a meeting, it was lunch time and B offered the teacher a meal which cost 20,000 won per person. Is it subject to Improper Solicitation Graft Act?</li> </ul>	<ul style="list-style-type: none"> <li>• Considering that the teacher A is responsible for the student's evaluation, it is difficult to recognize the purpose was to promote smooth job performance, socialization and for ritual. Even though B provided less than 30,000 won, it is against the improper solicitation graft act and receiving money (Not applicable to Law Article8, Section1, No.2).</li> </ul> <p>&lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</p>
<ul style="list-style-type: none"> <li>• If a private school teacher (A) received 1,200,000 won worth of cash and gift cards with request from a parent (B) to mark a student present on the student record, is it against the Improper Solicitation Graft Act?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes. Gifts beyond the 1,000,000 won-at-a time limit, regardless of job, are subject to criminal or or disciplinary punishment (less than 3 years in jail or a fine less than 3 hundred thousand won) (Law Article8, Section1, Article22 Section1 No.1).</li> <li>• Because B provided 1 million won or more money to a public official, B is also subject to criminal punishment (less than 3 years in jail or fine less than 3 hundred thousand won) (Law Article8, Section1, Article22 Section1 No.1).</li> </ul> <p>&lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</p>

<ul style="list-style-type: none"> <li>• If B, a parent of a class president, gives 500,000 won to a teacher for student meals or snacks on a field trip, is it subject to Improper Solicitation Graft Act??</li> </ul>	<ul style="list-style-type: none"> <li>• Because the teacher is a public official and received 500,000 won regarding his/her duty, the teacher is subject to a penalty of more than 2 times and less than 5 times of the received money (Law Article 8 Section 2, Article 23 Section 5 No.1) and also subject to discipline (Law Article 21).</li> <li>• Because B provided 1 million won or less of money to A who is a public official, B is subject to penalty of more than 2 times and less than 5 times of the money offered (Law Article 8 Section 5, Article 23 Section 5 No.3). &lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• (1) If a kindergarten teacher received a gift card worth 300,000 won in exchange for 'taking good care of my child' from a parent, what kind of punishment happens related to the Improper Solicitation Graft Act?</li> <li>• (2) If at Chuseok, a private school teacher receives shoe gift card worth 200,000 won from a parent, what kind of punishment happens related to Improper Solicitation Graft Act?</li> <li>• (3) If a parent B gave 500,000 won to a teacher in front of other teachers, and the teacher did not use it for himself/herself but gave it to charity, what kind of punishment happens related to the Improper Solicitation Graft Act?</li> </ul>	<ul style="list-style-type: none"> <li>• (1) Because the teacher received 300,000 won related to work, he/she is subject to penalty of more than 2 times and less than 5 times of the received money (Law Article 8 Section 2, Article 23 Section 5 No.1) and also subject to discipline (Law Article 21).</li> <li>• Because the parent provided a gift worth of 300,000 won, the parent is subject to penalty of more than 2 times and less than 5 times of the money offered (Law Article 8 Section 5, Article 23 Section 5 No.3).</li> <li>• (2) Because the teacher received gift card worth 200,000 won, he/she is subject to a penalty of more than 2 times and less than 5 times of the received money (Law Article 8 Section 2, Article 23 Section 5 No.1) and also subject to discipline (Law Article 21).</li> <li>• (2) Because the parent provided a gift card worth 200,000 won, the parent is subject to penalty of more than 2 times and less than 5 times of the money offered (Law Article 8 Section 5, Article 23 Section 5 No.3).</li> <li>• (3) Because the teacher received 500,000 won, he/she is subject to penalty of more than 2 times and less than 5 times of the received money (Law Article 8 Section 2, Article 23 Section 5 No.1) and also subject to discipline (Law Article 21).</li> <li>• (3) Because the parent gave 500,000 won, he/she is subject to penalty of more than 2 times and less than 5 times of the money offered (Law Article 8 Section 5, Article 23 Section 5 No.3). &lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</li> </ul>

<ul style="list-style-type: none"> <li>• If a parent pays for a retirement farewell party of a teacher and the price was 70,000 won per person, is it subject to Improper Solicitation Graft Act?</li> </ul>	<ul style="list-style-type: none"> <li>• Because the teacher is a public official and received a meal service worth 70,000 won, the teacher is subject to penalty of more than 2 times and less than 5 times of the received money (Law Article8 Section2, Article23 Section5 No.1) and also subject to discipline (Law Article 21).</li> <li>• Because the parent served the teacher, a public official, a meal worth 70,000 won, the parent is subject to a penalty of more than 2 times and less than 5 times of the money offered (Law Article8 Section5, Article23 Section5 No.3). &lt;Rights Commission Q&amp;A Examples, 2016.9&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Is there any conflict of interest between students/parents and subject teachers, between students/parents and homeroom teachers, and between graduate students and academic adviser?</li> </ul>	<ul style="list-style-type: none"> <li>• There is a conflict of interest between them.</li> <li>• However if student graduate from school or teacher transfer to another school, there is no conflict of interest. &lt;ACRC Anti-Graft Act FAQ&gt;</li> </ul>
<ul style="list-style-type: none"> <li>• Can a parent offer a teacher a gift that is of nominal value within a price range allowed?</li> </ul>	<ul style="list-style-type: none"> <li>• Considering publicness of education field, national feeling, and intent of the law, it is not allowed to give a gift to a teacher no matter how much it costs.</li> <li>• There is direct job relevance between student and teacher who is in charge of evaluating students, therefore it is not allowed.</li> </ul> <p>&lt;Rights Commission Report Explanation Material &lt;2016. 10. 07&gt;</p>